

ARTICLE I.

GENERAL PROVISIONS

DIVISION 1.

TITLE, AUTHORITY, JURISDICTION AND APPLICABILITY

Sec. 13-1. Title.

This chapter shall be entitled the "Sumter County, Florida, Land Development Code" and may be cited and referred to herein as the "Development Code", "code" or "chapter".

(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-2. Authority.

(a) *Florida Statutes.* This chapter is enacted pursuant to the authority granted in and requirements of Ch. 163.3202, F.S., (the Local Government Comprehensive Planning and Land Development Regulations Act); the general powers granted in Chapters 125 and 166, F.S.; and the state constitution.

(b) *Change in statutes.* Whenever any provision of this chapter refers to or cites a section of the Florida Statutes and that section is later amended or superseded, the chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-3. Jurisdiction and applicability.

(a) *Jurisdiction.* This chapter shall be effective throughout the unincorporated area of Sumter County, Florida, and, except as specifically provided in subsection (b), shall apply to all development therein. No development or exchange of property shall be undertaken or occur without prior authorization pursuant to this chapter. In addition to other locations required by law, a map showing the boundaries of the county's jurisdiction shall be available for public inspection in the department.

(b) *Applicability.*

(1) *Land use.* Subject to Article VI (Non-conforming Situations), all existing and future uses of land must be consistent with Article III (Land Use) and other provisions of this chapter.

(2) *Development.* Subject to Article VI (Non-conforming Situations), all development of land must conform to Articles IV (General Development Standards) and V (Specific Use Standards) and other provisions of this Chapter. No activity designed to perform

non-exempt development including, but not necessarily limited to, grading, paving, road construction, drainage improvements, utility installation, excavation, mining, building or other site work shall commence prior to the applicable development permit being issued. (Ord. No. 96-23, § 9, 12-16-96)

Secs. 13-4--13-10. Reserved.

DIVISION 2.

FINDINGS, PURPOSE AND INTENT

Sec. 13-11. Findings.

(a) *General findings.*

(1) Chapter 163, F.S., requires each Florida local government to enact a single land development code which implements and is consistent with that government's adopted comprehensive plan, and which contains all land development regulations for that local government.

(2) Controlling the location, design, construction, operation and maintenance of development within the unincorporated area of Sumter County is necessary to maintain and improve the quality of life in said area as more fully described in subsection (b).

(b) *Specific findings relating to the various subject areas of this Chapter.*

With regard to the following specific subject areas of this Chapter, the Commission finds:

(1) *Administration and enforcement of land development regulations:*

a. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability, and citizen participation.

b. All proposals for substantial development should undergo a development review process to assure compliance with the requirements of this chapter.

c. A development pre-application conference enhances communication and understanding between the department and the developer thereby improving the efficiency of the development review process.

d. Concept review allows developers to modify proposals in response to early citizen and staff comment.

e. The greater a development's potential impact on the community, the more rigorous its review process should be.

f. Review of planning decisions should be independent of review of land

development decisions to avoid ad hoc planning on a site-by-site basis.

- g. All administrative decisions should be supported by a record such as the minutes of meetings and hearings where such action was taken.
- h. A quick, efficient and non-political avenue of appeal should be available for all ministerial and administrative decisions.
- i. Enforcement of development orders and the provisions of this chapter should be through procedures that are efficient, effective and consistent with the code enforcement procedures established by law.
- j. The sanctity of and the necessity of preserving private property rights shall be recognized by Sumter County and its staff and review boards.

(2) *Surface and ground water, and stormwater management.*

a. Surface water. Growth in Sumter County has often occurred near lake and river surface waters and in related watersheds, and the preservation of the desirable features of these waters is dependent upon abundant and clean surface water.

b. Groundwater.

1. The availability of adequate, dependable sources of good quality ground water for domestic, agricultural and industrial use is of primary concern to the future development of the County.

2. The Floridan Aquifer underlies all of Sumter County, and in some areas lacks a protective confining layer of sub-soil to protect it from contamination by chemical, physical, biological or radiological substances, which in sufficient concentrations, may affect the potability and beneficial use of groundwater for humans, plants and animals.

c. Stormwater management.

1. Increased stormwater runoff may cause erosion and pollution of ground and surface water with a variety of contaminants such as heavy metals and petroleum products.

2. Stormwater runoff often contains nutrients, such as phosphorus and nitrogen, which adversely affect flora and fauna by accelerating eutrophication of receiving waters.

3. Erosion silts up water bodies, decreases their capacity to hold and transport water, interferes with navigation, and damages flora and fauna.

4. Installation of impervious surfaces increases the volume and rate of stormwater runoff and may decrease groundwater recharge.
5. Improperly managed stormwater runoff increases the incidence and severity of flooding and endangers property and human life.
6. Degradation of ground and surface waters imposes economic costs on the community.
7. Eighty (80) to ninety-five (95) percent of the total annual loading of most stormwater pollutants discharged into receiving waters are concentrated in the flush created by the first one (1) inch of rainfall ("first flush"), and carried off-site in the first one-half (1/2) inch of runoff.
8. Improperly managed stormwater adversely affects the drainage of off-site property.

(3) *Traffic circulation.*

- a. An efficient, safe and balanced system of traffic circulation accommodating vehicles, bicycles and pedestrians is essential for efficient and orderly development of the county.
- b. Well-designed off-street areas for the parking and loading of vehicles promotes the public safety and welfare by reducing traffic congestion and providing efficient utilization of such vehicles.
- c. Deferring the construction of some parking areas pending determination of the actual need for parking spaces, and taking into account public demand and the size of vehicles to be parked, conserves open space and developable land, and reduces the expense and hazard of controlling stormwater runoff.
- d. Allowing the use of porous paving materials and unpaved parking areas whenever possible conserves water and energy, moderates the microclimate, and reduces the expense and hazards of controlling stormwater runoff.

(4) *Floodplain protection.*

- a. Flooding is a natural phenomenon in the unincorporated area of the county and occurs at an unpredictable frequency.
- b. Flood losses are contributed to by the cumulative effect of obstructions in floodplains that causes increased flood height and velocity, and by occupancy in flood hazard areas by uses vulnerable to floods. Such vulnerability may be caused by inadequate elevation, flood proofing or lack of other protection measures.

c. Flooding and the uncontrolled development of flood-prone lands substantially degrades the health, safety and welfare of the community in the following ways:

1. The persons occupying homes, businesses and other structures located in flood-prone areas are placed at unreasonable risk of loss of life, personal injury and property damage.
2. Expensive and dangerous search, rescue and disaster relief operations may be necessary when developed properties are flooded.
3. Commerce and governmental services may be disrupted and private and public facilities may be damaged by flooding at great expense to the citizens.
4. Flooding of developed properties may lead to demands that the government construct expensive and environmentally damaging projects to control flood waters.
5. Normally flood-free lands are placed at risk of flooding when flood waters on natural flood-prone areas are obstructed, diverted, and displaced or channelized by development.
6. Property values and related tax base are lowered and economic activity is disrupted by damaging floods.

d. Naturally flood-prone lands serve the following important functions in the regional hydrologic cycle and ecological system.

1. They provide natural storage and conveyance of flood waters.
2. They facilitate groundwater recharge.
3. They provide temporary storage of surface waters that moderates flood elevations and the timing, velocity and rate of flood discharges.
4. They reduce erosion, and filter nutrients, sediments, and other pollutants from flood waters.
5. They export detritus and other food sources to open water bodies and are vital habitat for fish, birds, wildlife and native plant communities.

(5) *Protection of environment and environmentally sensitive lands.*

a. Application of sewage and septic sludge for fertilization of agricultural lands is recognized as beneficial in the agricultural industry and, if managed properly, does not generally create problems related to traffic safety, time of application, odor or

flies.

b. Protection of environmentally sensitive lands, including but not limited to those described or mapped in the Conservation Element of the comprehensive plan, promotes the well being of the citizens of Sumter County.

c. Wetlands serve many beneficial functions, including the following:

1. Wetlands provide natural storage and conveyance of flood waters, and minimize erosion and sedimentation by reducing flood flows and the velocity of flood waters.

2. Wetlands adjoining larger lakes and rivers, protect wildlife and the shoreline from destructive wave action.

3. Wetlands assimilate, filter and help decompose sediments, nutrients, and other natural and man-made pollutants that would otherwise degrade surface and ground waters.

4. Wetlands support commercial and recreational fishing because they provide essential nutrients and hatcheries for aquatic life.

5. Wetlands provide habitat for rare and endangered species, and provide essential breeding and protective habitats for many other birds, mammals, amphibians, fish and reptiles.

6. Wetlands provide important surface water storage sites, filtering mechanisms and recharge sources for the Floridan Aquifer.

d. Shorelines serve the following beneficial functions:

1. Land adjoining waters or wetlands, which can generally be divided into submergent, transitional, and upland vegetation zones, provides essential habitat for many plant and animal species, including species that are endangered, threatened, or of special concern.

2. Submergent, transitional, and upland vegetation zones serve as effective buffers against human activities which may have adverse affects on aquatic and wetland dependent wildlife.

3. Submergent, transitional, and upland vegetation zones help slow stormwater runoff flows and increase infiltration of water, nutrients, and other substances.

4. Submergent, transitional, and upland vegetation zones reduce predation by domestic pets on wetland and wetland dependent wildlife species.

e. Agricultural and development activities have destroyed or impaired the beneficial functions of some environmentally sensitive lands in the county.

f. Generally, federal and state regulations adequately protect environmentally sensitive lands, however, some local regulation may be necessary for specific situations.

(6) *Buffers and vegetation, including trees and vegetative screening.*

a. **Buffers.** Buffers, consisting of separation areas and vegetative screens, benefit the community by abating or minimizing the adverse impacts of adjacent incompatible land uses, thus preserving the enjoyment and value of property.

b. Trees and vegetative screening.

1. Trees and vegetative screening, benefit the community by:

a) Absorbing carbon dioxide and returning oxygen to the atmosphere;

b) Precipitating dust and other particulates from the air, thus lessening the transmission from one property to another of dust and fumes;

c) Transpiring considerable amounts of water each day and thereby purifying the air we breath;

d) Helping neutralize waste water passing through the ground from the surface to ground water tables and lower aquifers;

e) Providing wildlife habitat, particularly for birds, which in turn help control insects;

f) Providing soil stabilization which reduces erosion and mitigates the effect of flooding;

g) Helping to stabilize the ground water tables through their root systems, thus playing an important and effective part in soil conservation. erosion control, and flood control;

h) Providing shade which reduces energy consumption and glare, and making outdoor areas more comfortable during the hot months;

i) Making the built environment more attractive by adding a variety of color, shape and pattern and thus increasing community pride and the value of property;

j) Being an invaluable physical, aesthetic, and psychological counterpoint to the development setting, making life in developed areas more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of developments on the land;

k) Providing attractive buffering between incompatible land uses. Screening can lessen the visual pollution that may otherwise occur within a developed area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use;

l) Establish a greater sense of privacy from visual or physical intrusion, the degree varying with the intensity of the screening;

2. Because of the values expressed in subsection 1., vegetation and trees have an important impact on the desirability of land and therefore on property values, thus landscaping and screening development with vegetation and preserving mature trees promotes the health, safety and welfare of the community to such an extent as to justify the imposition of screening requirements and the encouragement of tree preservation.

3. Because native vegetation is adapted to local diseases, pests, soil and climate, it is generally more economical and desirable than exotic species which require more pesticide, fertilizer and water.

4. Exotic vegetation can crowd out native vegetation, use more water, and damage the environment from increased use of fertilizers and pesticides.

5. Because some trees are more beneficial than others, the public benefits of tree protection may be obtained without preserving each and every tree.

(7) *Signs.*

a. The manner of the erection, location and maintenance of signs affects the public health, safety, morals, and welfare of the people of this county.

b. The safety of motorists, cyclists, pedestrians and other users of the public streets is affected by the location, lighting and movement of signs that divert the attention of drivers.

c. The construction, erection and maintenance of large signs suspended from or placed on the tops of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.

d. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness

of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation and permanent economic growth.

(8) *Protection of cultural resources.*

a. There are located within the unincorporated area of the county historical, architectural and archeological sites, buildings, structures, and objects that are unique and irreplaceable assets to the county.

b. In the Housing Element of its comprehensive plan, Sumter County recognizes these assets.

c. The Housing Element database of the comprehensive plan includes a survey of cultural resources that has been adopted as the official inventory of historic resources for the unincorporated area of the county.

d. The recognition, protection, enhancement and use of these resources are public purposes promoting the welfare of the public by enriching human life in its educational and cultural dimensions, and fostering civic pride in the beauty and noble accomplishments of the past.

e. It is the will of the Florida Legislature as expressed in Chapter 267 of the Florida Statutes that the State's historic sites and properties, buildings, artifacts, treasure troves, and objects of antiquity, which have scientific or historical value, or are of interest to the public, be protected and preserved.

(9) *Subdivision of land.*

a. The subdivision of land is an important element in the process of community development. Not only is the proper, harmonious, orderly, progressive and economically stable development of communities desirable, but defects in the arrangement of building lots, blocks, streets and construction of improvements is often costly and difficult to correct.

b. Substantial public responsibility is created by each new subdivision, including maintenance of streets, drainage facilities and the requirement for additional public services.

c. Because the general health, safety and welfare of the community is affected by the process of subdividing, it is in the public interest that subdivisions be designed and developed in accordance with sound rules and proper minimum standards.

(10) *Flora and fauna.*

a. Loss or alteration of habitat is the primary threat to wildlife species found in Sumter County.

(11) Sexually oriented businesses and related issues.

a. The United States Supreme Court in *City of Renton v. Playtime Theater, Inc.*, 475 U.S. 41 (1986) held that a local government may rely upon the experiences of other cities as well as on its own studies in enacting local legislation to regulate sexually oriented businesses.

b. The United States Supreme Court in *Renton* and other cases has held that a local government may regulate such uses through content-neutral, time, place and manner restrictions, so long as said regulations are designed to serve the government interest and do not unreasonably omit avenues of communication, and are aimed not at the content of protected speech within said establishments but rather at the secondary effects of said establishments on the surrounding communities.

c. The board of county commissioners retained Duncan Associates to study the issues related to sexually oriented businesses in Sumter County, and Duncan Associates, led by project manager and nationally known planner, Eric Damian Kelly, has presented its findings and recommendations to the County in a February 2005 report entitled "Regulation of Sexually Oriented Businesses, a Report and Evaluation for Sumter County, Florida;" (hereinafter called simply the "Duncan study").

d. From the following studies, the board of county commissioners also finds that such businesses may have secondary effects involving crimes related to the activities in the establishment, of which prostitution and crimes of violence are those of greatest concern. See for example:

1. "Final Report to the City of Garden Grove: the Relationship between Crime and Adult Business Operations on Garden Grove Boulevard," Richard W. McCleary, Ph.D., James W. Meeker, J.D., Ph.D., October 23, 1991;

2. "Survey of Appraisers: Fort Worth and Dallas--Effects of Land Uses on Surrounding Property Values," Duncan Associates, Eric Damian Kelly, FAICP, and Connie B. Cooper, FAICP, September 2004;

3. "Adult Entertainment Businesses in Indianapolis, An Analysis," 1984;

4. "Adult Business Study," by City of Phoenix Planning Department, May 25, 1979;

5. "Effects on Surrounding Area of Adult Entertainment Businesses in Saint Paul," June 1978, City of Saint Paul Division of Planning, Department of Planning and Management; and Community Crime Prevention Project, Minnesota Crime Control Planning Board; and

6. "Staff Report, Whittier City Planning Commission; Subject: Adult Business Regulations," August 11, 1994.

e. The sheriff of Sumter County has arrested multiple persons for sexual assault and sexual solicitation in the video arcade area of a sex shop (the XMart) that opened in the county in the summer of 2004.

f. Surveys of appraisers conducted by the Cities of Indianapolis (1984) and Rochester (1999) and for the City of Fort Worth (2004), and a survey of real estate brokers in New York City (1994) all reflect clear findings by these professionals that sexually oriented businesses have a negative effect on residential properties located within zero (0) to three thousand (3,000) or more feet of such properties.

g. The cited survey of appraisers conducted for Fort Worth finds that sexually oriented businesses also have negative effects on commercial properties located within similar distances of such properties.

h. The board of county commissioners recognizes that some of the cited studies included bars without adult entertainment among the businesses studied. The board of county commissioners notes for the record that it has long required the separation of bars from residential uses, schools and houses of worship, to address exactly those same types of effects.

i. Studies in New York (1994), Phoenix (1979), Indianapolis (1984), Whittier (1994) and St. Paul (1978) indicate that the clustering of sexually oriented businesses can increase the negative secondary effects of such businesses.

j. Studies relied on by the City of Los Angeles similarly found that there was an increased impact from two or more co-located sexually oriented businesses, a finding on which the U.S. Supreme Court held that the city was entitled to rely, in *City of Los Angeles v. Alameda Books, Inc.*, 152 L. Ed. 2d 670, 122 S. Ct. 1728 (U.S. 2002).

k. At this time there is no clustering of sexually oriented businesses in Sumter County, but the board of county commissioners wants to avoid such problems in the future.

l. The one (1) sexually oriented business in Sumter County has installed an arcade containing video viewing booths.

m. The Duncan study, citing in part a 1990 Tucson study as well as experience in other communities, suggests that the function of the viewing booths is simply to provide a place and manner of presentation of sexually oriented material that provides viewers with a place in which they may masturbate or engage in casual sex of other types.

n. A study undertaken for the City of Alachua, in nearby Alachua County, by

an experienced crime-scene investigator confirmed such findings in two stores in Alachua County; specifically, the investigator found that paper towels removed from video arcades at XMart and Pure Pleasure Adult Video in Alachua County contained sperm.

o. The board of county commissioners believes that video arcades are unnecessary and undesirable places and means of presentation of material that is readily available in other forms in the county.

p. The board recognizes that one business has lawfully acquired the equipment for such an arcade and believes that requiring its disposal might be an undue hardship.

q. The board therefore has determined that the best course of action is to ban the future installation of arcades, and to require that the one (1) arcade, for which the equipment was acquired for use in a place where it was allowed, be reconfigured to provide visibility into all of the booths, allowing management and law enforcement to ensure that such booths are not used for sexual activity.

r. The Duncan study, based on its experience in other communities (including Palm Beach County and Alachua County, both in Florida), has found that sexually oriented media are available in a number of different contexts in other counties in Florida, including: the backrooms of some general, or "mainstream" video stores; although no such locations have been identified in Sumter County, based on information included in the Duncan report, the board finds that sexually oriented media offered in mainstream retail contexts do not seem to create the adverse secondary effects that sexually oriented businesses do.

s. The concept of separating sexually oriented businesses from residential areas and other sensitive uses is consistent with the use of zoning to separate incompatible uses, and it is a concept that has been upheld by the courts, beginning with the decision of the U.S. Supreme Court in *Young v. American Mini-Theaters*, 427 U.S. 50, 96 S. Ct. 2440, 49 L. Ed. 2d 310 (1976).

t. The separation of such uses from residential areas will mitigate or possibly eliminate the negative effect of such businesses on residential property values.

u. In Fla. Stats. §847.0134, the Florida legislature has determined that two thousand five hundred (2,500) feet is an appropriate separation distance between certain sexually oriented businesses and schools.

v. A study of the existing patterns of land uses within the county has found that the use of a separation standard of two thousand five hundred (2,500) feet between sexually oriented businesses and sensitive uses such as schools, houses of worship and residential neighborhoods will still provide a number of available sites for sexually oriented businesses in the county.

w. Because the recent Fort Worth survey of appraisers has found that the adverse secondary effects of sexually oriented businesses may extend more than three thousand (3,000) feet, and because the legislature has established two thousand five hundred (2,500) feet as its benchmark for the appropriate separation between sexually oriented businesses and sensitive uses, the board has concluded that it should follow the legislature in using two thousand five hundred (2,500) feet as its standard for separation.

x. The board wants to mitigate secondary effects to the maximum extent practicable.

y. The studies provided by Duncan Associates and cited above indicate that there are often particular problems associated with businesses with on-premises, sexually oriented entertainment, such as sexually oriented cabarets and motion picture theaters.

z. The board and its staff have been advised that some communities attempt to address some of these issues through licensing.

aa. The board has concluded that it would be inefficient to establish a licensing ordinance for one (1) or two (2) businesses if the issues can be addressed through police-power regulations incorporated in the zoning ordinance.

bb. Based on the experience of law enforcement officers in other communities, as cited in the Duncan study, the board believes that ensuring that sexually oriented dance performances take place on a stage, rather than on the same floor as the customer, limits the likelihood of unlawful or inappropriate sexual contact between customers and dancers.

cc. Based on studies from other communities, the board finds that sexually oriented motion picture theaters are sometimes used as locations in which customers make contact with one another for casual sexual engagements, and the Board thus believes that it is necessary to establish some basic design standards to reduce the risk of such activities for any future sexually oriented motion picture theater that might be opened in Sumter County.

dd. From the Duncan study and from reports from other communities, the board is aware that some communities have to devote police resources to investigating activities at "massage parlors" operated by persons not licensed as massage therapists.

ee. The board is not aware of any such massage parlors in the unincorporated county.

ff. The county's existing zoning ordinance would apparently allow unlicensed persons to open "massage houses."

gg. The board wishes to avoid the potential problems with such

establishments.

hh. The board has thus concluded that massages should be offered in Sumter County only by persons licensed by the State of Florida or by persons in training in accordance with the provisions of the Florida Massage Practices Act.

ii. The recommendation in the Duncan study to allow properly zoned for general media stores to carry such material, subject to proper controls to prevent its availability to minors, is a logical continuation of current practice.

jj. The Duncan study and comments of the county's own professional staff indicate that the county's current zoning regulations do not make appropriate distinctions among sexually oriented businesses and between such businesses and other businesses carrying sexually oriented goods and products.

kk. The Duncan study includes specific recommendations about classification of such businesses.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2000-12, § 1, 4-25-00; Ord. No. 2005-9, § 1, 4-12-05; Ord. No. 2006-25, § 1, 8-15-06)

Sec. 13-12. Purpose and Intent.

(a) *Purpose.* It is the commission's purpose to provide for the public health, safety and general welfare of the citizens by establishing these minimum standards of development which will encourage the sound economic utilization of the land and creation of a healthful living environment for the unincorporated area of Sumter County.

(b) *Specific intent relating to the various subject areas of this chapter.* With regard to the following specific subject areas of this chapter, the intent of the commission is for the provisions of this chapter to be construed and implemented to achieve the following:

(1) *General.*

a. To promote, foster, improve, preserve and protect public health, safety, comfort, convenience, prosperity and general welfare; to protect the character and social and economic stability of the area, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the unincorporated area of Sumter County;

b. To protect and conserve the value of land throughout the county and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

c. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of

population;

d. To prevent the pollution of air, streams and water bodies; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the county in order to preserve the integrity, stability and beauty of the community and the value of the land. To preserve the natural beauty and topography of the county and to insure appropriate development with regard to these natural features. It is specifically the intent of the commission to protect against potentially adverse impacts of urbanization that may threaten the natural character, scenic beauty and quality of resources in the county.

e. To guide the future growth and development of the unincorporated area in accordance with the Sumter County Comprehensive Plan, as required by the "Local Government Comprehensive Planning and Land Development Regulations Act of 1985".

f. To assure consistency and concurrency by guiding public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, recreation and other public requirements and facilities.

g. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

h. To accomplish the general intent and purpose of this chapter by establishing regulations, procedures and standards for review and approval of proposed development in the unincorporated area of Sumter County.

i. The sanctity of and the necessity of preserving private property rights shall be recognized by Sumter County and its staff and review boards.

(2) *Administration and enforcement of land development regulation.*

a. To assure that development proposals be thoroughly and expeditiously reviewed for compliance with the requirements of this chapter, the comprehensive plan, and other applicable regulations.

b. To adopt a review process for development that is:

1. Efficient, in terms of time and expense;

2. Effective, in terms of addressing the natural resource and public facility implications of proposed development; and

3. Equitable and predictable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration for the interests of the citizens of Sumter County.

4. Public oriented, in terms of promoting citizen participation.

c. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements.

d. To assure compliance with approved development permits and the provisions of this chapter through diligent but fair enforcement actions.

(3) *Surface and ground water, and stormwater management.*

a. Surface water. To protect surface water quality, thereby maintaining the safety, recreational value and aesthetic appeal of water bodies in Sumter County.

b. Groundwater.

1. To insure the availability of adequate, dependable sources of good quality water for use by the citizens of Sumter County, now and in the future, by:

a) Protecting the aquifer from the introduction of contaminants into it, especially within any wellhead protection area as defined herein.

b) Encouraging, and in some instances requiring, the conservation of water.

c) Maintaining natural recharge rates for groundwater aquifers.

d) Prohibiting the exportation of groundwater to other counties, except when approved by the commission and the Withlacoochee Regional Water Supply Authority.

c. Stormwater management.

1. To protect and maintain the chemical, physical and biological integrity of ground and surface waters.

2. To prevent activities which adversely affect ground and surface waters.

3. To encourage the construction of stormwater management systems that aesthetically and functionally approximate natural systems.

4. To protect natural drainage systems.

5. To minimize runoff pollution of ground and surface waters.
6. To maintain and restore groundwater levels.
7. To minimize erosion, and sedimentation of receiving waters.
8. To prevent damage to wetlands.
9. To protect, maintain and restore the habitat of fish and wildlife.

(4) *Traffic circulation.*

- a. To provide the most beneficial relationship between the users of land and buildings, and the circulation of traffic throughout the county, having particular regard for i) the avoidance of congestion in the streets and highways, ii) pedestrian traffic movements appropriate to the various uses of land and buildings, and iii) provision for the proper location and width of streets and building lines.
- b. To assure that all developments provide for adequate and safe storage and movement of vehicles in a manner consistent with community standards and good engineering and site design principles.
- c. To promote safe, adequate and efficient use of off-street parking facilities and other vehicular use areas by:
 1. Clearly delineating and buffering the bounds of vehicular use areas, particularly where they abut public rights of way, so that movement, noise, and glare in one area do not adversely distract activity in another area;
 2. Limiting physical site access to established points of ingress and egress; and
 3. Limiting the internal movement of vehicles and pedestrians to designated traffic configurations.
- d. To provide the minimum standards necessary for loading and unloading of goods for the various commercial and industrial uses permitted by this chapter that will protect the capacity of the county's street system, avoid undue congestion resulting from loading and unloading activities and lessen unnecessary conflicts between trucks and other vehicles.

(5) *Floodplain protection.* It is the purpose of this chapter to minimize public and private losses due to flood conditions in the areas of special flood hazard in the county. More specifically, the provisions of this chapter are intended to accomplish the following:

- a. To protect human life and health.
- b. To minimize the need for rescue and relief efforts associated with flooding, which is generally undertaken at public expense.
- c. To minimize public and private property damages and personal injury due to flood conditions in specific areas by provisions designed to:
 - 1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
 - 2. Require that uses vulnerable to floods, including facilities which serve such uses, be designed and constructed to resist flood damage.
 - 3. Preserve natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
 - 4. Control filling, grading, dredging and other development which may increase erosion, sedimentation or flood damage.
 - 5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
- d. Maintain the normal movement of surface waters and the optimum storage capacity of watersheds
- e. Maintain desirable groundwater levels and waterflow from potentiometric recharge areas toward areas of less groundwater pressure (potentiometric surface) levels.
- f. Maintain the water quality, and the natural hydrological and ecological functions of wetlands and other flood prone lands.
- g. To minimize expenditure of public money for costly flood control projects.
- h. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
- i. To insure that potential purchasers of subdivided land are notified that a property is in a flood-prone area, where applicable.
- j. To minimize prolonged business interruptions and damage due to flooding of public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains.

k. To minimize the need for costly and environmentally disruptive flood management structures.

l. To encourage the use of flood-prone lands as open space.

m. Assist the county in qualifying for participation in the National Flood Insurance Program and the Community Rating System.

(6) *Protection of the environment and environmentally sensitive lands.*

a. To protect the environment from potential pollution or contamination of water, soil and property, excessive and annoying odors, creation of flies and other arthropods, and from traffic problems related to the application of sewage and septic sludge to agricultural lands.

b. To protect environmentally sensitive lands and their beneficial functions while also protecting the rights of property owners.

c. To protect, maintain, and restore the chemical, physical, and biological integrity of ground and surface waters and natural habitats.

d. To prevent or minimize activities which adversely affect ground and surface waters, natural habitats and native flora and fauna.

e. To maintain water quality and wildlife habitat and protect scenic vistas in wetlands.

f. To prohibit certain uses that are detrimental to environmentally sensitive areas.

g. To protect the recreation opportunities of environmentally sensitive lands for hunting, fishing, boating, hiking, nature observation, photography, camping and other uses.

h. To protect the public's rights in navigable waters.

(7) *Buffers and vegetation, including vegetative screening and trees.*

a. To enhance the attractiveness of the community.

b. To conserve energy through the cooling and shading effect of trees.

c. To abate nuisances such as noise, glare, heat, unsightly appearance, polluted air, stormwater runoff, signs, parking areas and danger.

d. To mitigate conflicts between adjoining land uses.

- e. To recognize, protect and preserve the environmental and ecological benefits of native tree species and natural vegetation by encouraging actions that will offset the loss or injury of trees by development and related activities.
- f. To preserve the community's irreplaceable natural heritage for existing and future generations.

(8) *Signs.*

- a. To create a comprehensive and balanced system of sign control by establishing regulations that govern the type, placement, physical dimensions and use of signs within the different land-use zones. while accommodating both the need for a well-maintained, safe and attractive community free from the adverse effects of signs and displays on highway safety, building safety and the enjoyment of scenic beauty of the county, and the need for effective business identification, advertising and communication.
- b. To permit signs that are:
 - 1. Compatible with their surroundings.
 - 2. Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.
 - 3. Appropriate to the type of activity to which they pertain.
 - 4. Placed on property at locations consistent with protection of the public health, safety and welfare.
 - 5. Reflective of the identity and creativity of individual occupants.
 - 6. Used to promote the economic health of the community through increased tourism and property values.

(9) *Protection of cultural resources.*

- a. To identify, protect and enhance the use of sites, buildings, structures, objects, and areas that are reminders of past eras, events, and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or which provide this and future generations with examples of the physical surroundings in which past generations lived.
- b. To enhance property values and increase the economic benefits to the county arising out of its cultural resources.

- c. To preserve and enhance the varied architectural styles that reflect the cultural, social, economic, political and architectural history of the county.
- d. To enrich human life in its education and cultural dimensions by fostering knowledge of the community's heritage.
- e. To encourage new development which is harmonious with existing historical and/or archaeological resources in the area.

(10) *Flora and fauna.* To provide standards to identify, protect and preserve the ecological communities and species of endangered, threatened, or special concern status in Sumter County.

(11) *Subdivision of land.* To help promote, protect and improve the public health, safety, economy, order, appearance, and general welfare of the citizens of Sumter County, Florida, by requiring that the subdivision of land within the unincorporated area of Sumter County conform to the procedural, land use and development standards of this chapter.

(12) *Accessory uses and structures.* To allow development of bona fide accessory uses while protecting the general public's health, safety and welfare, and adjacent properties from potential adverse impacts.

(Ord No. 96-23, § 9, 12-16-96; Ord. No. 2000-12, § 2, 4-25-00)

Secs. 13-13--13-20. Reserved.

DIVISION 3.

RELATIONSHIP TO COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Sec. 13-21. Relationship to comprehensive plan.

(a) *Generally.* The Sumter County Comprehensive Plan shall be the controlling document for development within the unincorporated area of the county, and it is the intent of the commission that this chapter implement the applicable planning and development goals, objectives and policies adopted in that plan, and in other planning documents, for the unincorporated area. The commission reaffirms its commitment that this chapter and any amendments thereto shall be consistent with the adopted comprehensive plan.

(b) *Specifically.* The adoption of this chapter implements objectives and policies of the comprehensive plan. The specific objective or policy of the comprehensive plan implemented by one or more sections of this chapter is indicated in Table 13-21A.

TABLE 13-21A COMPREHENSIVE PLAN IMPLEMENTATION

Comprehensive Plan Element/Subject Area	Objective or Policy	Development Code Section 13-
HOUSING		
Special needs	1.2.1	362(a), 365, 711
Substandard Dwellings	2.1.1	503
Stabilize Neighborhoods	3.3.1	501, 521, 522, 523, 524, 612, 772
Stabilize Neighborhoods	3.3.3	681(b)
Adequate and Affordable	3.5.1	308(b), 332
Historic Resource	4.1.1 & 4.1.3	648
RECREATION AND OPEN SPACE		
Recreation Levels of Service	1.1.1	21, 246-251, 621
Preserve Open Space (incentive for developer)	2.1.1	308
Preserve Open Space	2.1.2	309
Preserve Open Space	2.1.3	308, 332, 621
CONSERVATION		
Surface Water Flooding	1.2.2	601
Surface Water Flooding	1.2.3	309, 601, 602
Surface Water Quality	1.3.1	591-594, 642, 649
Surface Water Quality	1.3.2	309, 502, 601, 602, 642, 644, 803,
Surface Water Quality	1.3.4	309, 642, 803
Surface Water Quality and Quantity	1.3.5	591
Surface Water Quality	1.3.7	309, 502, 642
Groundwater Quality and Quantity	1.4.2	572, 643
Groundwater Quality and Quantity	1.4.4	309, 752, 763
Water Conservation	1.5	772
Soil Erosion	1.6	649
Mining	1.7.1	362, 643, 772,
Mining	1.7.2	141-143, 171-174, 772
Flora and Fauna	1.8.2	309, 644
Flora and Fauna	1.8.3	309, 644
Flora and Fauna	1.9.1	309, 502, 644
Flora and Fauna	1.9.3	309, 644
Natural Reservations	1.10.3	309, 612
UTILITIES		
Potable Water	1.1	571, 572
Potable Water	1.1.2	572
Potable Water	1.1.3	643
Potable Water	1.3.2	643
Potable Water	1.3.3	613, 643
Sanitary Sewer	2.1.3	571, 573
Sanitary Sewer	2.1.4	573
Sanitary Sewer	2.1.5	573
Sanitary Sewer	2.2.1	309, 601
Sanitary Sewer	2.2.2	171, 573
Sanitary Sewer	2.3	246--251
Solid Waste Level of Service	3.1.2	645
Drainage	5.1	591
Drainage	5.1.1	309, 601
Drainage	5.2.2	601

Natural Groundwater Aquifer Recharge	6.1.2	643
Natural Groundwater Aquifer Recharge	6.2.1	643
Natural Groundwater Aquifer Recharge	6.2.4	309
INTERGOVERNMENTAL COORDINATION		
Utilities, Uniform Standards	1.3.11	572
TRAFFIC CIRCULATION		
Level of Service, State Roadways	1.1.1	521
Access Management, State Roadways	1.1.4	524
Level of Service, County Roads	1.2.1	521
Uniform Minimum Standards	1.2.2	521
Concurrency Management for roads	1.2.5	246--251, 522
Concurrency Management	1.4.1	246--251, 522
Right-of-Way Widths	1.3.1	524
Right-of-Way Widths	1.3.3	524
Right-of-Way Dedication	1.3.2	524
Bike Paths	1.5.1	561
Pedestrian Ways	1.5.2	561
Bicycle Parking	1.5.3	561
Street Design, Internal Access	1.6.1	524, 561
Street Design, Internal Circulation	1.6.2	524, 561
Street Design, Hazardous Conditions	1.6.3	524, 551, 561
Parking Requirement	1.6.4	561
FUTURE LAND USE		
Adoption and implementation	1.1.1	306-310, 641--648, 691--694, 246--251, 561, 563
Density	1.1.2	307-309
Density/intensity	1.1.2	306, 307, 331, 332, 361--365
Density/intensity	1.2.2	306-309, 601, 612
Subdivision	1.2.3	171, 307--309, 332, 571--573, 612, 621, 642, 644
Additional density	1.2.4	171--174, 306--309, 332, 571--573, 612
Additional density	1.2.5	308, 571--573
Constraints	1.2.6	309
Policy adoption	1.3	301
Vested uses	1.3.2	803, 816, 817, 837
Implementation	1.4	301
Utilities requirements	1.4.1	572, 573, 601
Traffic circulation	1.4.2	561
Lot access and buffering	1.4.3	523
Neighborhood commercial	1.4.4	306, 332, 365
Commercial standards	1.4.6	569, 524
Commercial/industrial on-site traffic	1.4.7	561
RV park location	1.4.8	332

Industrial location	1.4.9	332
Lineal transfers	1.4.10	308
Vesting	1.4.11	801, 802--804
Contiguous parcels	1.4.13	802
Density/intensity	1.5.1	307, 308, 332
Density increase	1.5.2	308
Location standards	1.5.3	332
Water supply/sewage disposal	1.5.4	572, 573
Clustering/open space	1.5.5	315, 332, 553, 653
Land use zones	1.5.6	306, 332
Planned Unit Development	1.5.7	332
Minimum zone size	1.5.8	332
Minimum zone size	1.5.9	332
Concurrency	1.6, 1.6.1	246--251
Standards	1.6.2	247
Utilities	1.6.3	247, 601
Standards	1.6.4	246--251
Utilities	1.7.1	306, 571, 572
Utilities	1.7.2	422, Appendix A
Natural resources		
Riverine floodplain	1.8.1.a	309
Vesting	1.8.1.b	Article VI
Stormwater	1.8.3.a	642
Constraints, vesting	1.8.3.b	802
Constraints, ecological communities	1.8.4.a	644
Vesting	1.8.4.b	802
Stormwater standards	1.8.5	591, 592, 642
Ecological communities	1.8.6	12, 644
Land use/permitting/allocation	1.9.1	171, 773
Compatibility with adjacent uses	1.9.2	773
Historical sites preservation	1.9.3	648
Protection of protected species	1.9.4	644
Historic resources	1.10.1	648
Historic resources	1.10.3	309, 612, 648
Wellfield overlay zone	1.11.1	309, 312
Aquifer recharge	1.11	309, 705, 773
Permissible uses	1.13.1	362
Permissible/supplemental regulations	1.13.2	362, 365, 427, 752
Supplemental regulations	1.13.3	752
Supplemental regulations	1.13.4	752
Administration	1.13.5	Article II

(c) *Consistency presumed.* In preparing this chapter, every effort was made to implement all goals, objectives and policies applicable to land use and development, and therefore consistency with this chapter may be considered as general consistency with the comprehensive plan. Notwithstanding this, any land use and development requirement of the comprehensive plan not included in this chapter shall be adhered to.

(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-22. Relationship to other codes, ordinances, rules and materials.

(a) *Zoning and Subdivision Codes.* To the extent that the provisions of this chapter are the same in substance as the previously adopted ordinances that it replaces, it shall be considered as a continuation thereof and not as a new enactment, unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under previously adopted zoning and development ordinances does not achieve lawful nonconforming status under this ordinance merely by the repeal of the previous ordinances.

(b) *Other regulations and regulatory agencies.* Development of land in Sumter County may also be subject to regional, state and federal requirements, over which Sumter County has no jurisdiction. In the early stages of the planning and development process, each developer or applicant for development approval should make themselves aware of the approvals and permits required by these agencies. The commission assumes no responsibility for determining when such approvals and permits are required.

(c) *Technical construction standards manuals.* Manuals, drawings, etc. of other agencies or organizations, specified somewhere herein as containing specific required engineering standards and construction design specifications, shall be incorporated into this chapter by reference.

(d) *Maps and studies.* The following maps and studies are incorporated into this chapter by reference and declared to be a part thereof.

(1) Future Land Use Map of the Future Land Use Element of Sumter County Comprehensive Plan.

(2) Sumter County Official Zoning Map Series consisting of approximately three-hundred twenty-four inch × thirty-six inch drawings.

(3) The U.S Dept. of Housing and Urban Development Flood Insurance Study for Sumter County, Florida, dated September 15, 1981, with accompanying maps and other supporting data, and any revision thereto.

(4) The Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) for Sumter County, Florida, dated March 15, 1982, and any revision thereto.

(e) *Other materials.*

(1) *Deed restrictions.* It is important to note that the provisions of this chapter do not invalidate deed restrictions or restrictive covenants, however, the county accepts no responsibility for enforcing such private contractual agreements.

(Ord. No. 96-23, § 9, 12-16-96)

Secs. 13-23--13-30. Reserved.

DIVISION 4.

RESERVED

Secs. 13-31--13-40. Reserved.

DIVISION 5.

DEFINITIONS AND INTERPRETATIONS

Sec. 13-41. Definitions.

(a) *General.* Unless otherwise specifically provided herein, or unless clearly required by the context, the words, terms and phrases used in this chapter shall have the meaning as indicated in this section or elsewhere in this chapter or as found in other chapters of this Code. Words, terms, and phrases not defined in this section or elsewhere in this chapter or Code shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application, subject to the rules of interpretation of section 13-42. Definitions and meanings of words ascribed thereto by other departments or agencies of county government shall not override the definitions and meanings set forth herein and the definitions set forth in this section and the interpretation rules contained in this chapter shall control over any contravening definition or interpretation found in other chapters of this Code or other ordinances, policies, applications, licenses or documents utilized by any other agency, department or constitutional office of the county.

(b) *Specific.*

Abut means to physically touch or border upon; or to share a common property line.

Accessory family cottage means a conventionally constructed dwelling unit, attached or freestanding, allowed as an addition to a principal dwelling unit of conventional construction, in agricultural or residential zoning categories. The unit must meet minimum and maximum size restrictions as defined in this chapter.

Accessory use or structure means a use of land or structure, or portion thereof, customarily incidental and subordinate to the principal use or structure and located on the same parcel as the principal use or structure.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is

separated by independent perimeter load-bearing walls is a new structure.

Adjacent properties means real properties that share a common boundary or whose boundary lines are only separated by a public or private road, utility or drainage right-of-way or easement.

ADT means average daily two-way volume of traffic.

Adult congregate living facility (ACLF) means a type of residential care facility, defined in Chapter 400, Part 2, F.S.

Adversely affected person means any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the Sumter County Comprehensive Plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Advertising means sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Agriculture means the science, art, occupation or use of land for the raising and/or maintaining of farm animals, crops and vegetation including, but not necessarily limited to, pasturage, dairying, animal and poultry husbandry, horticulture, forestry and aquaculture.

Agricultural activity means any farming and forestry operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, fertilization of the land for the purpose of selling the crops produced or growing of grazing material, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

Agricultural housing means cluster housing for farm workers where the occupants of such housing perform agricultural work on the premises where such housing is located.

Airport means any runway, landing area, air park, or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley means a public or private right-of-way or easement providing a secondary means of access and service to the side or rear of abutting property whose principal frontage is on a public street.

Annual progress report means a report submitted annually by the holder of an

operating permit and reviewed to determine whether the operator has followed its approved permit for the preceding year, and whether the operator's plans for the coming year vary from those approved in the conditional use and operating permit.

Antenna, communication means any device or structure directly used for reception or distribution of electromagnetic waves or other means of wireless communication; including, but not limited to, microwave dishes, collinear antenna, omni-directional antennae, and directional panels.

Apartment means a suite of rooms or a room in a multifamily building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

Appeal means a request for a review of an administrative official's or approving authority's decision on, or interpretation of, any provision of this chapter.

Applicant means the legal or beneficial owner or owners of all the land subject to action required by this chapter; or the holder of an option or a contract to purchase such property, or a person having possessor right of equal dignity provided such holder or person has the consent to the action by the owners of all other interests in the land.

Aquaculture means the raising of plants or animals, such as fish or shellfish, in or under a lake, river or other body of water.

Architect means a qualified person registered and currently licensed to practice architecture in the State of Florida.

Area of shallow flooding means a designated AO, AH or VO Zone on a Flood Insurance Rate Map (FIRM) for Sumter County, with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means all the area included in the following:

- (1) All areas designated on the Flood Insurance Rate Map (FIRM) for Sumter County as Zones A, AO, AH, A1--A30, AE, A99, VO, or V1--V3, VE, or V.
- (2) Other areas in the unincorporated area of the county designated on a map by the director as having a one (1) percent or greater chance of flooding in any given year. This may include isolated topographic depressions with a history of flooding or high potential for flooding.

Authority means a recommending or approving person or entity as presented in Article II (Administration), unless specified otherwise in this chapter.

Automotive use means the activity of selling, servicing, repairing and/or

rebuilding motorized wheeled vehicles.

Average running speed means for all traffic, or component thereof, the summation of distances divided by the summation of running times.

Basement means that portion of a building having its floor (subgrade) below ground level on all sides.

Bed and breakfast establishment means an owner-occupied single-family dwelling of conventional construction whose accessory use is the rental of bedrooms to overnight guests.

Beneficiation means the process whereby earthen materials are washed or sized to separate the mineral(s) with which it is naturally combined, and specifically to separate the waste materials in which a natural mineral exists in a natural state.

Best management practices are those measures or actions generally accepted, or required by the commission for site and use specific activities, that provide for the health, safety and general welfare of the public.

Bikeway means any road, path, or other facility which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Billboard means an off-site sign owned by a person, corporation, or other entity that engages in the business of selling advertising space on that sign.

Biohazardous waste means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, non liquid human tissue and body parts; laboratory and veterinary waste which contain human-disease-causing agents; discarded sharps; human blood, human blood products, and body fluids. Biohazardous waste shall also include other materials and devices defined as biohazardous waste in Chapter 17-712.200 F.A.C., as amended.

Biohazardous waste facility means all contiguous land, and structures, other appurtenances, and improvements on the land used for storing, treating, or disposing of biohazardous waste. A facility may consist of several treatment, storage, or disposal operational units.

Biohazardous waste storage means the holding of biohazardous waste in a place other than at the generating facility for a temporary period at the end of which the waste is treated or stored elsewhere.

Biohazardous waste treatment means any process, including steam sterilization, chemical sterilization, or incineration, which changes the character or composition of

biohazardous waste to render it non-biohazardous.

Block means a lot or group of lots existing within well defined and fixed boundaries, usually being an area entirely surrounded by streets or other physical or legal barriers and having an assigned letter, number or other name by which it may be identified.

Block length means the distance between the centerline of right-of-way of two (2) streets or roads intersecting another street or road, regardless of which side of the street or road they occur.

Boarding house means a residential use consisting of at least one dwelling unit together with more than one (1) additional room that is rented, or is designed or intended to be rented, but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding or rooming house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Body fluids--see Chapter 17-712.200 F.A.C., as amended.

Bonafide agricultural operation means, when used in connection with sludge and septage disposal and in addition to other definitions in the Sumter County Code, the use of land for growing crops or grazing livestock and the fertilization of that land for the purpose of selling the crops produced or growing of grazing material.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Bridge means a structure, including supports, erected over a depression or an obstruction, such as water or a highway or railway, and having a track or passageway for carrying traffic as defined in Chapter 316 F.S. or other moving loads.

Buffer means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, walls and/or berms, designed to limit continuously views and/or sounds between adjacent sites or properties.

Building means a structure designed and built or erected for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind, and having a fixed location on the ground, or attached to something having a fixed location on the ground.

Building (structure, excluding communications tower) height means the vertical distance from the ground level, or its equivalent, to the highest point of the underside of

the beams or joists of the highest ceiling in a building measured from the existing average grade elevation at the base of each side of the structure to the average highest point of each side of a building or structure. When applied to a building, height shall be measured to the highest point of the coping of a flat roof or to the average height level between eaves and ridge for gable, hip or gambrel roofs. That portion of rooftop equipment extending more than four (4) feet above the highest portion of the roof shall be added to the measurement of the height, except that the height of communication antennas, spires, or other superficial attachments added to the roof of a building shall not be included in measuring the height of a building.

Building official means that person appointed by the commission, pursuant to the building codes adopted by it, to have primary responsibility for the administration and enforcement of such codes.

Building permit means a written document authorizing the construction or erection of a structure consistent with applicable law.

Building site means a parcel, or contiguous parcels, of land in single or joint ownership meeting the size, access and zoning requirements for the use and structure to be placed thereon.

Camping site means those locations, so designated on an approved RV park plan, for the occupancy of RV's and tents.

Carport means a roofed structure, with two or more fully or partly open sides, used for vehicle parking.

Certificate of Concurrency means a document issued by the Commission, along with a development permit, indicating that, as of the date of the certificate, a determination has been made that, if constructed within the time allowed by the permit, concurrency for the project will be met for all required public facilities and services.

Certify means that whenever this chapter requires that some person, agency or other entity certify the existence of some fact or circumstance to the approving authority, the approving authority may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the approving authority may accept certification by telephone from some agency when the circumstances warrant it, or the approving authority may require that the certification be in the form of a letter or other document.

Church See "house of worship."

Circulation area means that portion of the vehicle accommodation area used for access to parking or loading areas, or other facilities on the parcel. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Clerk means the clerk of the board of county commissioners and the clerk of the county circuit court.

Closed street system means a traffic circulation system consisting of looped and/or dead-end roads, dependent upon one (1) permanent outlet point constructed to county standards, to access other roads in the county system.

Code inspector means any designated employee or agent of the commission whose duty it is to enforce codes and ordinances enacted by the commission, as provided herein. Nothing herein shall be construed to authorize any such designated person to perform any function or duties of a law enforcement officer other than as specified herein.

Combination use means a use consisting of a combination, on one (1) parcel, of two (2) or more principal uses separately listed in Table 13-362A. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established--See section 13-364). In addition, when two (2) or more separately owned or separately operated enterprises occupy the same parcel, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.

Commercial means of, pertaining to, or characteristic of commerce; engaged in commerce; prepared, done or acting with emphasis on salability; profit or success.

Commercially developed parcel means a parcel of land on which there is at least one walled or roofed structure used, or designed to be used, for commercial purposes.

Commission means the board of county commissioners of Sumter County, Florida.

Common open space means an area of land, or combination of land and water, within the area of a planned unit development which is designated and intended primarily for the common use and enjoyment of residents of the PUD and others. Common open space may contain such recreation structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the development, and may be of a commercial or non-commercial nature.

Community facility means a use owned and/or operated by a private or public non-profit entity, or public utility, in which the residents of the community directly participate or benefit from such use.

Community residential home--See Section 419.001, F.S.

Comprehensive plan means the Sumter County Comprehensive Plan adopted February 3, 1992, and amendments thereto, that meets the requirements of Section 163.3177 and 163.3178, F.S. and Chapter 9J-5, F.A.C.

Concurrency means a condition whereby the impacts of a development project do not reduce the level of service on required public facilities and services below the level of service standards adopted in the Comprehensive Plan.

Concurrency determination means the county's evaluation of a project for concurrency, whether as part of the review of an application for development approval or simply at the request of a potential developer.

Conditional use means a specific land use, that unless properly controlled poses potentially serious health, safety and welfare concerns for the community, and when approved, authorizes the recipient to make use of property in accordance with the requirements of this chapter, an approved operating permit, and any additional requirements imposed by the Commission.

Construction and demolition debris landfill--See Ch. 17-701 F.A.C.

Construction and maintenance agreement means a written document furnished to the Commission by the applicant obligating himself to the construction and maintenance of required physical improvements until accepted by the county or until other permanent maintenance provisions are in effect.

Contiguous parcels means two (2) or more parcels of land with one (1) or more common boundaries or boundary points.

Convenience store means a one-story retail store containing less than three thousand (3,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other personal and household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "Handi-Way" and "Magic-Market" chains.

Conventional dwelling unit means a residence originally constructed on the parcel where it is/was permanently placed, to applicable codes for on-site construction, or a residence built to Florida Manufactured Buildings standards and moved to its placement site.

Copy means the linguistic or graphic content of a sign.

County means the unincorporated areas of Sumter County, or the administration of the county of Sumter County, Florida.

County engineer means a person or firm, or their duly authorized representative, employed or contracted with, to provide professional engineering services to the commission.

Cul-de-sac means a dead-end street terminated by a vehicular turnaround.

Cultural resource means a site, object, structure, building or district listed on the Sumter County Survey of Cultural Resources or in the Conservation Element of the comprehensive plan, or on the local register of historic places.

Day care center means and includes any child or adult care arrangement or operation which provides care for more than five (5) children and/or adults, unrelated to the operator and property owner, on a regular basis for more than four hours per day, and for which the owner or operator receives compensation, whether operated or not operated for profit. The following are not included:

- (1) Public or private accredited schools.
- (2) Any arrangement or operation where the child or adult cared for has full-time residence.
- (3) Summer day camps and bible schools normally conducted during vacation periods.
- (4) Summer camps having children in full-time residence.

Demolition means the tearing down or razing of twenty-five (25) percent or more of a structure's external walls.

Density or gross density means the total number of dwelling units, or equivalent, divided by the total site area, and is expressed in units per acre.

Department unless specified otherwise, means the Sumter County zoning and building department, or its successor(s).

DHV means design hourly two-way volume of traffic.

Design speed means a speed determined for design and correlation of the physical features of a highway that influence vehicle operation. It is the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern.

Design storm, 5-year means the flood elevation resulting from a five (5) year, twenty-four (24) hour rain storm for the Central Florida area superimposed on the normal (annual) high-water elevation at the development site under post-development conditions.

Design storm, 10-year means the flood elevation resulting from a ten (10) year, twenty-four (24) hour rain storm for the Central Florida area superimposed on the normal (annual) high water elevation at the development site under post-development conditions.

Design storm, 25-year means the flood elevation resulting from a twenty-five (25) year, twenty-four (24) hour rain storm for the Central Florida area superimposed on the normal (annual) high-water elevation at the development site under post-development conditions.

Design storm, 50-year means the flood elevation resulting from a fifty (50) year, twenty-four (24) hour rain storm for the Central Florida area superimposed on the normal (annual) high-water elevation at the development site under post-development conditions.

Designated species means the wildlife and vegetation species as identified in Rules 39-27.003, 39-27.004, and 39-27.005, F.A.C., and Sections 581.185(5)(a) and 581.185(5)(b).

Developer means any individual, partnership, corporation, or other legal entity who engages in, or proposes to engage in, any development activity regulated by this chapter, including the development review process, either as the owner of the property, agent of the owner, or other responsible party.

Development or Development activity generally means any manmade change to improved or unimproved real estate, including, but not necessarily limited to:

- (1) Clearing, filling, excavating, grading, paving, dredging, mining, drilling, or otherwise significantly disturbing the soil of a site.
- (2) Constructing, building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, including the long-term storage of materials.
- (3) Subdividing land into two (2) or more parcels.
- (4) Erection of signs.
- (5) Alteration of a historic property for which authorization is required under this chapter.
- (6) Changing the use of a site so that the need for parking is increased.
- (7) Construction, elimination or alteration of a driveway onto a public street.
- (8) Change of occupancy.

Development approval means approval that stops short of actually granting the developer the right to begin physical construction of a project. Such development approval may include, but is not necessarily limited to rezoning (zoning map amendment), land use permit, and preliminary plan approval.

Development controls means state statutes, this chapter and development codes, building codes, electrical codes, plumbing codes, etc., adopted or used by the commission in implementing the comprehensive plan and other governing laws.

Development permit for purposes of this chapter, means that official county document which authorizes land alteration or construction. Development permits include site permits, building permits, operating permits and change of occupancy permits.

Development review committee (DRC) is a committee of technical staff and consultants of the county with membership and duties and responsibility as set forth in section 13-204 of this Code.

Development tract means one (1) or more parcels or portions thereof proposed for development activity.

Director means, unless specified otherwise, the person appointed by the commission to administer the zoning and building department(s).

Disposal means, when used in connection with hazardous waste, the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground waters, or otherwise enter the environment.

Disposal means, when used in connection with sludge, the discharge, deposit, spreading, injection, dumping, spilling, leaking, land application, or placing of any liquid, solid, or semisolid sludge and septage into or upon any land or water, so that any constituent thereof may enter other lands, be emitted into the air, discharged into any waters (including groundwater), or otherwise enter the environment.

Disturbed lands means the surface area of the natural land surface that has been disturbed as a result of development activity.

Driveway means a vehicle accommodation area between a road and a lot or parcel of land and usually consists of a travel lane bounded on either side by an area that may be part of the vehicle accommodation area.

Dwelling unit means a single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, cooking and eating, and sanitation.

Easement means any strip of land created for public or private ingress/egress, utilities, drainage, sanitation or other public uses, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Effective date of this chapter means that whenever this article refers to the effective date of this chapter, the reference shall be deemed to include the effective date of any amendments to this chapter if the amendment, rather than this chapter as originally adopted, creates a nonconforming situation.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

Enclosed building means a fully walled and roofed structure for occupancy by persons and/or activities.

Enclosed living area means that portion of a structure, constructed with permanent materials, which is capable of being environmentally controlled (heating and cooling).

Engineer means a person qualified, registered and currently licensed by the State of Florida to practice professional engineering.

Erect a sign means to construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message or routine maintenance.

Excavation means reducing or lowering the natural level of ground through removal of dirt, sand, peat or clay, for purposes other than that incidental to and on the same parcel as approved construction of any amount of dirt, sand, peat or clay and of less than one (1) fifty thousand (50,000) cubic yards of limerock or other minerals as long as blasting and lowering of groundwater in order to extract limerock are not involved.

Existing building means a building lawfully erected prior to the effective date of this chapter, or one for which a legal building permit has been issued and activated in the time period specified.

Exotic animal means any animal not identified in the definition of "farm animal" that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, primates and species of foreign domestic cattle, such as ankole, gayal, and yak.

Exempt development--See section 13-103.

Expenditure means a sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Expressway means a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

Extended RV occupancy means the occupancy of an RV unit on an approved Class "A" site in any RV park for a period of more than six (6) months in any one year period.

Family means one (1) or more persons living together as a single housekeeping unit.

Family foster home--See Ch. 10M-6.015, F.A.C.

Farm animal means any domestic or exotic species of cattle, sheep, swine, goats, ostriches, llamas, or horses, which are normally and have historically been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas when used solely as work and pack animals.

Fertilization of land means the application of manufactured fertilizer, sludge or seepage to enrich the soil for the purpose of growing crops such as watermelons, corn, tomatoes and other such crops customarily grown in Sumter County, Florida, and/or for the purpose of growing grasses for grazing pasture.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood, base means the flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Flood, critical means the flood having a ten percent chance of being equaled or exceeded in any given year. Also known as the 10-year flood.

Flood hazard zone means the areas encompassing all lands subject to inundation by the base (100-year) flood. Flood hazard zone, critical means:

- (1) Areas encompassing all lands subject to inundation by the critical (10 year) flood.
- (2) Wetlands, watercourses, and waterbodies.
- (3) Floodways.

Flood Insurance Rate Map (FIRM) means the official map issued by the Federal

Emergency Management Agency of a community on which it has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Floodplain means any land area which will be, or is susceptible to being, inundated by water from the base flood.

Floodway (also regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved and unobstructed in order to discharge the base flood without cumulatively increasing the water surface elevation of that flood more than one (1) foot at any point.

Floor, for flood insurance purposes, means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area ratio (FAR) means a mathematical expression determined by dividing the gross floor area of a building or buildings by the area of the lot or parcel upon which it is located, i.e., gross floor area/parcel area = FAR.

Floridan aquifer means the thick sequence of limestone formations of Eocene, Oligocene, and Miocene Age which act more or less as a single hydrologic unit, including those permeable parts of the Hawthorn Formation which are in direct hydrologic contact with the rest of the aquifer.

Freeway means an expressway with full control of access.

Frontage means the length of the property line of any one lot or parcel abutting a public or private street or easement on which it borders.

Frontage line means the lot line which is common with the street right-of-way line or easement.

Frontage road--See street, marginal access.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a marina and/or fish camp. Term does not include long-term storage, manufacture, sales, or service facilities.

Future Land Use Map means that map so designated and adopted by the commission as part of the Future Land Use Element of the Sumter County Comprehensive Plan.

Garage, private means an accessory building or an accessory portion of the principal building, including a carport which is used and/or intended for storage of the

private passenger vehicles of the family or families resident upon the premises.

Garage, commercial means a building or premises which is operated for commercial purposes and used for the storage, care, or repair of motor vehicles, but shall not be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Grade means:

- (1) The inclination, with the horizontal, of a road or improved or unimproved property, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance, or
- (2) The elevation of natural ground, surface improvements and ground floors of buildings.

Grade separation means a crossing of two roadways or a roadway and a railroad or pedestrian pathway at different levels.

Groundwater means water beneath the surface of the ground, whether or not it is flowing through known definite channels.

Gross density or density means the total number of dwelling units divided by the total site area less public right-of-way.

Gross floor area (GFA) means the sum of the gross horizontal areas of several buildings, and the several floors of a building, measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including ground level interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Habitable floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking, recreation or any combination thereof. A floor used only for storage is not a habitable floor.

Hazardous means those structures, uses, materials or premises that constitute a high hazard area as defined by National Fire Protection Association Standard 101-6, or which produce, use or store hazardous materials at or above established threshold amounts listed in Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. s. 11001, et. seq. (SARA) and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988, Chap. 252, Part II, F.S.

Hazardous material means any material or mixture of materials that requires special management techniques because of its acute or chronic effect on air or water quality, fish, wildlife or other biota, or on the health and welfare of the public. Such

material may exhibit but is not limited to the following characteristics: reactivity, corrosivity, explosiveness, flammability, toxicity and infectiousness.

Hazardous waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. Identification and listing of hazardous waste shall be made pursuant to 40 CFR Part 261, as amended.

Hazardous waste facility means all contiguous land, and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste generated off-site. A facility may consist of several treatment, storage, or disposal operational units.

Hazardous waste storage means the containment or holding of a hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste. Storage shall not mean a generator's on-site accumulation for the time periods specified in 40 CFR 262, as amended, or "Public used oil collection center" as defined in Ch. 403.75 F.S., as amended.

Hazardous waste treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize it or render it non hazardous, safe for transport, amenable to recovery, amenable to storage or disposal, or reduced in volume or concentration. The term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it non hazardous.

Health department means jointly, the Environmental Health Office of the Sumter County Public Health Unit, and the Florida Department of Health and Rehabilitative Services.

High speed means speeds of fifty (50) mph or greater.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic site means the location of a significant event, activity, building, structure, or archeological resource where the significance of the location and any archeological remains outweighs the significance of any existing structure.

Home occupation means a minor commercial activity that is conducted as a second principal use on a residential property.

Homeowner's association means the owners of lots and buildings, incorporated under the auspices of articles which safeguard the rights of the owners in compliance with the laws of the State of Florida.

Horticulture means the art or science of growing flowers, fruits, vegetables and ornamental plants.

Hospital means an institution providing health services, primarily for in-patients but also for out-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, training facilities, central services facilities and staff offices.

Hotel or motel means a building, or part thereof, in which sleeping accommodations are offered to the public, which may or may not offer cooking facilities for use by the occupants, and in which there may be a public dining room for the convenience of the guests. This term may also include boarding houses, lodging houses, rooming houses or apartment hotels.

House of worship means any building used for nonprofit purposes by an established religious organization holding either tax exempt status under section 501(c)(3) of the Internal Revenue Code or under Florida's property tax law, where such building is primarily intended to be used as a place of worship and including customary accessory uses.

Improvements mean physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more usable. Typical improvements regulated by this chapter are, but are not limited to, grading; street, curb and sidewalk construction; water, sewer and other utility systems, drainage systems, buildings and other structures, signs, landscaping and survey monumentation.

Industrial activities means all activities associated with the lawful pursuit of any permitted, special, conditional or accessory use allowed in the ID Industrial District by this chapter, including buildings and other structures.

Industry means manufacturing, fabrication, processing, assembly, treating, storage and warehousing, wholesaling and distribution and research and testing.

Insurance administrator means the Federal Insurance Administrator.

Intersection means the general area where two (2) or more streets or highways join or cross.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay or limerock, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar surfaces.

Kennel, commercial means any parcel of land or premises where four (4) or more dogs and/or cats, at least three (3) months of age, are raised, kept, bred, treated, boarded or trained for sale or compensation; excepting when such parcel or premises is a veterinary clinic or hospital operated by a veterinarian licensed by the State of Florida, who keeps, treats or boards such animals as necessary for medical care, or when such parcel or premises is a pet shop operated in a commercial zoning district.

Land application or land spreading means, when used in connection with sludge, a process whereby sludge or septage is spread mechanically or incorporated into the soil.

Land application area means, when used in connection with sludge, the portion of property used for land application of sludge or septage.

Living area means that portion of a residential structure equipped for year-round living by full enclosure of a substantial nature, exclusive of carports, garages, utility rooms and swimming pools. Living area will be determined by the outside measurements of a structure.

Loading and unloading area means an off-street space, area or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Local planning agency means the Sumter County zoning and adjustment board.

Lot means a portion of a subdivision of land intended as a single development or building site or as a unit for transfer of ownership, whose boundaries and identification have been clearly designated and established by a recorded or unrecorded plat or map accepted by the commission and recognized as a separate legal entity for purpose of transfer of title and development. Subject to provisions of this chapter, the approving authority and the owner of two (2) or more contiguous lots may agree to regard the lots as one (1) lot if necessary or convenient to comply with any of the requirements of this chapter. Lot may include the words plot, parcel or tract.

(1) *Corner lot* means a lot or parcel abutting upon two (2) or more streets at a street intersection, or abutting upon two (2) adjoining and deflected lines of the same street and thereby forming an interior angle of less than one hundred and thirty-five (135) degrees.

(2) *Double frontage lot* means a lot or parcel having two (2) or more of its non adjoining property lines abutting upon a public or private street or streets.

Lot area means the total area circumscribed by the boundaries of a lot.

Lot depth means the average horizontal distance between the front and rear property lines of a lot or parcel.

Lot line means the legal boundary line of a lot.

Lot width means the distance, measured along a straight line connecting the points at which a line that demarcates the required setback from the street or easement, intersects with lot boundary lines at opposite sides of the lot.

Lowest floor means the lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in this chapter.

Major development--See section 13-171.

Manufactured building means a structure constructed under the Florida Manufactured Building Act of 1979. For definition see Chapter 553, F.S.

Manufacturing means a premises, or portion of a premises, occupied by an establishment primarily engaged in the processing of materials, products or personal property for sale, resale or other processing charge, normally for the wholesale market, for inter-establishment transfer, or to order for other processors, rather than for direct sale to the domestic consumer. Processing refers to the mechanical or chemical transformation of inorganic or organic substances into new products and usually includes the use of power driven machines and material handling equipment. The term manufacturing does not include the incidental and accessory minor processing operations performed by retail sale, service and repair establishments and other domestic consumer and business operation customer establishments so defined by this chapter.

Marina means a facility located on a public navigable waterway which is accessible and adjacent to the shore, and which is provided with slips and moorings for securing, servicing, repairing or sales of boats.

Massage means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).

Massage therapy means the profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools or devices designed as t-bars or knobbies, and (iii) instruct self care and stress management. "Manual" means by use of hand or body.

Mean sea level means the average height of the sea for all stages of the tide. Among other uses, it is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Media means anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything which is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-Roms, other magnetic media and undeveloped pictures.

Medium development--See section 13-171.

Mine means an area of land on which mining activities have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

Mining means reducing or lowering the natural level of ground through removal of limerock and overburden or minerals with the exception of dirt, sand, peat or clay, for purposes other than that incidental to and on the same parcel as approved construction of in excess of fifty thousand (50,000) cubic yards of limerock or other minerals. Blasting and lowering of ground water in order to extract limerock are mining activities.

Mining activities means the extraction of minerals, ore, or other naturally occurring materials from the earth by whatever method, including the removal of overburden for the purpose of extracting and removing from site such underlying deposits, and all associated clearing, grading, construction, processing, transportation, and reclamation on the mine property, and includes the term "pre-mining activity", but shall not be deemed to include activity associated with site surveying, environmental monitoring, mineral exploration, or the sinking or operation of test wells and similar activities.

Mining site plan means the general plan describing the overall scope of the mining activities for the life of the mine, including, but not limited to, the general nature of the operations, geographic characteristics, impacts, monitoring, and reclamation.

Minor development--See section 13-171.

Mobile home means a structure, transportable in one or more sections, which is eight (8) body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Also, a mobile home means a permanently installed dwelling unit, constructed in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Manufactured Home Construction and Safety Standards (HUD Code) of the National Manufactured Housing Construction and Safety Act of 1974 that were in effect at the time of construction; or if manufactured prior to June 15, 1976, bears a seal certifying that it meets or exceeds the Standard For Mobile Homes, NFPA 501 and ANSI 119.1, that were in effect at the time

of construction.

(1) *Class A mobile home*--See Appendix 13E 2.3.1.

(2) *Class B mobile home*--See Appendix 13E 2.3.1.

Mobile home park means any tract, lot or parcel of land which has been planned and improved exclusively for the renting or leasing of spaces (no sales) for the placement of mobile homes for non-transient use.

Mobile home subdivision means a subdivision designed and intended for the sale of lots for mobile home residences.

Mobile treatment facility, when used in connection with hazardous waste or petroleum contaminated soil, means any treatment system or operation which is transported to a soil contamination site, treats only soil from that specific site, and remains in operation for a period not longer than ninety (90) calendar days unless otherwise approved by the commission.

Modular home means a dwelling unit constructed in accordance with and under the Florida Manufactured Building Act of 1979. For definition see Chapter 553, F.S.

Motel--See hotel.

Motion picture arcade means any booth, cubicle, stall or compartment which is smaller than five hundred (500) square feet in floor area, which is designed, constructed or used to hold or seat customers, and which is used for presenting motion pictures or viewing publications for a fee by any photographic, electronic, magnetic, digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, CD-Rom, books, magazines or periodicals) for observation by customers therein.

National Geodetic Vertical Datum (NGVD) means, as corrected in 1929, a vertical control used as a reference for establishing relative elevations on the surface of the earth.

New construction means structures or substantial improvements for which the "start of construction" occurred on or after the effective date of this chapter.

Newspaper of general circulation means that newspaper meeting the requirements of Chapter 163, F.S., as designated by the commission.

Nonconforming lot means a lot, lawfully existing on the effective date of this chapter, (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum dimension or area requirement of the land use zone in which the lot is located.

Nonconforming project means any lawful structure, development or undertaking that is incomplete on the effective date of this chapter and would be inconsistent with any current regulation applicable to the zone in which it is located if completed as proposed or planned.

Nonconforming sign means a lawfully existing sign that, on the effective date of this chapter, does not conform to one or more regulations set forth in this chapter.

Nonconforming use or situation means a situation that occurs when, on the effective date of this chapter, a lawfully existing lot or structure, or use of an existing lot or structure, does not conform to one or more of the new regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot or structure does not meet minimum size requirements, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter, or because land or buildings are used for purposes made unlawful by this chapter. (For example, a commercial office building in a residential district may be a nonconforming use.)

Non-exempt subdivision means a subdivision of minor, medium or major development as defined in section 13-171.

Non hazardous means those industrial structures, uses, materials, processes or premises that do not constitute a high hazard area as defined by National Fire Protection Association Standard 101-6, and/or do not produce, use or store hazardous materials at or above established threshold amounts listed in Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. s. 11001, et. seq. (SARA) and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988, Chap. 252, Part II, F.S.

Off-site, when used in connection with biohazardous and hazardous waste, means any site which is not a part of the facility where the biohazardous or hazardous waste is generated.

Open space means an area of land, or combination of land and water, within the area of a PUD which is designated and intended for the common use and enjoyment of residents of the PUD and others. Common open space may contain such recreation structure and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the PUD, and may be of a commercial or non-commercial nature.

Operating permit means a written authorization by the commission, containing general and specific conditions for the conduct of an approved conditional use.

Operating speed means the highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions

without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis.

Operator means, when used in connection with an operating permit, a person or business entity designated or seeking to be designated as the operant of an approved conditional use.

Operator means, when used in connection with septage or sludge disposal, a person or business entity engaged or seeking to be engaged in a sludge disposal or land spreading operation.

Ordinary maintenance means work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure, or part thereof, as nearly as practicable to its condition prior to the damage, deterioration or decay.

Overburden means all earth and other materials overlying an ore deposit. This does not include tailings or screenings generated by the processing of the resources.

Owner means a person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

Parcel (includes lots and tracts) means an individual unit of land created within legally established property lines and described on a document in the public records of Sumter County. If, however, the property lines are such as to defeat the purposes of this chapter or lead to absurd results, a "parcel" may be as designated for a particular site by the Director.

(1) If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land, and the interest thus obtained or the road so created is such as to then effectively prevent the use of this parcel as one (1) unit, then the land on either side of this strip shall constitute a separate parcel.

(2) Subject to other provisions of this chapter, the commission and the owner of two or more contiguous parcels may agree to regard the parcels as one if necessary or convenient to comply with any of the requirements of this chapter.

Parking area aisles means a portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking garage means a structure built for the parking of motor vehicles in connection with on-site or off-site institutional, commercial or industrial facilities,

provided, however, no maintenance of vehicles shall be allowed.

Parking lot shall mean an area of land utilized for the temporary parking of motor vehicles in connection with on-site or off-site institutional, commercial or industrial facilities, provided, however, no maintenance of vehicles shall be allowed.

Parking space means a portion of the vehicle accommodation area set aside for the parking of one vehicle.

Passenger pad means, as defined in Section 10.2.1 of the Federal Register, Vol. 56, No. 173 as part of the Americans with Disabilities Act of 1991 (ADA); a firm, stable surface with a minimum clear length of ninety-six (96) inches (measured from the curb or vehicle roadway edge) and minimum clear width of sixty (60) inches (measured parallel to the vehicle roadway) to the maximum extent allowed by legal or site constraints; and shall be connected to streets, sidewalks or pedestrian path by an accessible route.

Performance guarantee means cash or a written document guaranteeing that the required improvements will be constructed and/or maintained. Such written document may be either an escrow agreement, a performance bond, letter of credit, a developers surety company completion bond or a developers cash completion bond.

Permanent sign means any sign not excluded from these regulations and not defined herein as a permitted temporary sign.

Permissible use means a permitted, special, conditional, temporary or accessory use, or any other use provided for in this chapter.

Perpetual maintenance agreement means a document furnished to the commission by the applicant, for those subdivisions where streets, alleys, right-of-ways, common areas, utility and drainage easements and other improvements are to remain privately owned, assuring the maintenance in perpetuity of same. The agreement will designate, and be binding, on an acceptable legal entity with adequate authority and financial ability to provide for the maintenance of the privately owned improvements in perpetuity. It must also provide enforceable assessment procedures for financing the maintenance of said improvements.

Person means any individual, trustee or trust, executor or estate, syndicate, fiduciary, corporation, firm, partnership, joint venture, association, organization or any other legal entity, including State and local governments and agencies, acting as a unit.

Petroleum contaminated soil means "excess soil contamination" or "excessively contaminated soil" as defined in Chapter 17-770.200 F.A.C., as amended.

Petroleum contaminated soil thermal treatment facility means either a stationary or mobile system designed, constructed, and permitted by the Florida Dept. of Environmental Protection to handle, store, and thermally treat petroleum contaminated

soils.

Petroleum contaminated soil treatment means thermal or biological treatment, by either a stationary or mobile facility; which renders the soil non-contaminated.

Plan means the proposal for development in graphic and written form, including conceptual plans, preliminary plans, engineering plans, final plans, record plats, all covenants, grants of easement, and other conditions relating to the use, location, and bulk of buildings or other development, common open space, recreation areas, and public facilities. The plan shall include such information as required by other sections of this chapter.

Planned unit development (PUD) means a land use zone comprised of a tract of land, or contiguous tracts, or adjacent tracts separated by a road, devoted by its owner to development as a single entity for a number of dwelling units or commercial uses, or a combination thereof, in accordance with a plan which does not necessarily comply with all the provisions of other articles of this chapter with respect to lot size, lot coverage, setbacks, off-street parking, bulk or type of dwelling, density, and other restrictions, and which is planned to function as a relatively self-contained development under the provisions of this chapter.

Planning jurisdiction means the area within the unincorporated limits of Sumter County within which the commission is authorized, and required, to plan for and regulate development as set forth in this chapter.

Pre-mining activity means construction of all structures, equipment, and facilities required for the extraction, processing, and transporting of ore material, including construction of access roads, pipelines, recirculating water systems, beneficiation facilities, power lines, dredges, and drag lines, and site preparation such as clearing of vegetation and grading.

Primary live entertainment means that entertainment which characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

Principal structure means the primary building or other structure on a parcel, or a building that houses a principal use.

Principal use means the use of a property that is first in rank, authority, importance or degree. Commonly referred to as the "main" use. See Table 13-362A.

Private club means an association of persons for the promotion of some common objective other than financial profit, jointly supported and meeting periodically.

Processing means, when related to mining, the washing, sizing, flotation, storage, drying and grinding of ore minerals and all activities reasonably related thereto except

chemical processing or manufacturing of materials from the ore.

Public facilities--See Chapter 163.3164, F.S.

Public notice--See Chapter 163, F.S. and Sec. 13-217.

Public utility means any publicly or privately owned utility, such as, but not limited to, electric power, water systems, sewer systems, natural gas, storm drainage system, telephone and cable TV service, whether underground or aboveground.

Public water supply system means any water supply system, furnishing potable water, that has at least fifteen (15) service connections or regularly serves at least twenty-five (25) persons daily at least sixty (60) days of the year. (a.k.a. public drinking water system) Such systems are regulated by the Florida Dept. of Environmental Protection and are further defined as follows:

- (1) *Community water system*--See Ch. 17.550.200, F.A.C.
- (2) *Non-Community water system*--See Ch. 17-22.103, F.A.C.

Receive-only earth station means an antenna and attendant processing equipment for reception of electronic signals from satellites.

Reclamation means, when related to mining, the restructuring, reshaping, and revegetation of disturbed lands to a form in which the lands may be beneficially used.

Record plat means a map or drawing depicting the division of lands into lots, blocks, parcels, tracts, sites or other divisions, however the same may be designated, and meeting the requirements of Ch. 177, F.S.

Recreational vehicle means a vehicle-type unit primarily designed as temporary or seasonal living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. A recreational vehicle shall qualify for one of the following classifications, as defined in Chapter 320.01, F.S.:

- (1) Camping trailer.
- (2) Motor home.
- (3) Park trailer.
- (4) Private motor coach.
- (5) Travel trailer.
- (6) Truck camper.

(7) Van conversion.

Recreational vehicle PUD (RV PUD or RV Park) means a tract of land under one ownership and management, designed, constructed and commercially operated to provide four (4) or more camping sites and supporting facilities for the accommodation of recreational vehicles and/or tents, for either direct or indirect remuneration of the owner, lessor or operator of such park. The term also includes buildings and sites set aside for group camping and similar recreational facilities. For the purposes of this chapter, the terms "campground", "camping resort", "RV resort", "travel resort", "travel park" and any variations of these terms, shall be considered synonymous with the term "recreational vehicle park".

Repeat violation means a violation of a provision of this chapter by a person previously found by a duly constituted authority to have violated the same provision within five (5) years prior to the current violation.

Residence means an enclosed building constructed or altered for the purpose of providing permanent living accommodations for one or more persons.

(1) *Single-family residence* means a structure containing one dwelling unit. May be attached to non-residential buildings, but not attached to any other dwelling unit by any means.

(2) *Duplex residence* means a building constructed for two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

(3) *Multi-family residence* means a residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Residentially developed property means any parcel of land with a residential zoning, upon which a dwelling unit is located, or any undeveloped parcel of land lying within a platted residential subdivision.

Right-of-Way (R.O.W.)(R/W) means a general term denoting land, property or interest therein, usually in a strip, dedicated, deeded or otherwise acquired to be used for a street, alley, walkway, other transportation purposes, drainage or utility by the public, certain designated parties or governing bodies.

Roadway means the portion of the street right-of-way which contains the street pavement and curb and gutter or shoulders that is intended for and used primarily for vehicular movement.

Rooming House--See boarding house.

Sadomasochistic practices means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed or naked.

Salvage yard means a premises or portions thereof used for the storage, sale, keeping or buying of used and discarded materials, including but not limited to: paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two (2) or more months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a salvage yard. For the purposes of this chapter, such uses as automobile reclaiming, wrecking and salvage business, and recycling centers shall be considered salvage yards.

Sanitary station means a facility used for the removal and disposal of wastes from holding tanks of RV's.

Sawmill means a place or building where the principal activity is the sawing and/or milling/planing of timber into planks, boards, etc., by machinery or hand; however further processing of the lumber may take place as approved by the authority.

School means any public or private educational institution offering general educational programs required by the State of Florida for students in grades kindergarten through 12th grade. This definition does not include such specialized institutions as dancing schools and driving schools.

Screening means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, walls and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

Septage means a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an onsite sewage treatment and disposal system as defined in Chapter 381, F.S.

Service station means a retail place of business engaged primarily in the sale of motor fuels and supplying only those incidental goods and services which are required in the day-to-day operation of automotive vehicles.

Setback means an imaginary line on a building site, parallel to the property line at the distance prescribed by these regulations, specifying the closest point from a right-of-way line or a property line where a structure may be located. Construction or erection of a building or structure outside of the setback is prohibited.

Sex shop means a retail sales and services establishment that meets any of the following tests:

- (1) It offers for sale items from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than ten (10) percent of its stock in trade or occupies more than ten (10) percent of its floor area;
- (2) More than five (5) percent of its stock in trade consists of sexually-oriented toys or novelties; or
- (3) More than five (5) percent of its gross public floor area is devoted to the display of sexually-oriented toys or novelties.

Sexual conduct means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, masturbation or the touching of the sexual organs, pubic region, buttock or female breast of another person for the purpose of arousing or gratifying the sexual desire of another person.

Sexually oriented business means an inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented motion picture theater; motion picture arcade; massage parlor or shop unless operated by a massage therapist licensed by the State of Florida; retail sales and services falling into the category of sex shop or sexually oriented media shop. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the zoning ordinance or other applicable ordinances.

Sexually oriented cabaret means a building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment which constitutes the "primary live entertainment" is distinguished or characterized by an emphasis on the exhibiting of "sexual conduct" or "specified anatomical areas" for observation by customers therein. The fact that an establishment does not serve alcoholic beverages shall not remove it from classification as a "sexually oriented cabaret" if it otherwise falls under this definition.

Sexually oriented motion picture theater means a cinema or motion picture theater which shows hard-core features on more than half (1/2) the days that it is open, or which is marketed as or offers features described as "adult", "XXX" or sexually oriented.

Sexually explicit media means magazines, books, videotapes, movies, slides, CD-Roms or other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "sexual conduct" or "specified anatomical areas" (separately defined).

Sexually oriented media store means a retail sales and services establishment that rents and/or sells media, and that meets any of the following three tests:

- (1) More than thirty (30) percent of the gross public floor area is devoted to sexually oriented media;
- (2) More than thirty (30) percent of the stock in trade consists of sexually oriented media; or
- (3) It is advertised, marketed or holds itself out in any forum as "XXX," "adult," "sex" or otherwise as a sexually-oriented business.

Sign means any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known to persons not located on the lot where such device is located. The term shall also be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. The term sign shall not be deemed to include the terms "building" or "landscaping", or any architectural embellishment of a building not intended to communicate information.

(1) *Ground sign*, means a sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign", is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

(2) *Off-site sign* means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious, or other non commercial message shall also be an off-site sign.

(3) *On-site sign* means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

(4) *Temporary sign* means a sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or be completed within a reasonably short or definite period after the erection of such sign; or a sign that is intended to remain on the location where it is erected or placed for a period of not more than thirty (30) days. If a sign display area is permanent even though the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Sign face area means the area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed, including the background and frame, but not structural supporting elements outside of the sign frame. Where a sign is composed of skeleton letters, characters, or symbols applied to a frame or to a background which is not a structural part of the sign, the area shall be the smallest rectangle, triangle or circle which will include the display. Where a sign is double faced, the area shall be the larger of the two (2) faces.

Sign permit means a permit issued by the director that authorizes the recipient to erect, move, enlarge or substantially alter a sign.

Sign structure means any construction used or designed to support a sign.

Single family attached residence means both zero lot line attached housing and condominium projects created pursuant to a declaration of condominium.

Site means land and all structures and articles appurtenant or attached thereto which are owned, leased, occupied or controlled by a person.

Site built structure means a dwelling unit or other building built to the building codes adopted by the commission, either substantially on site, or as site assembled components constructed off site; or a dwelling unit constructed off site and installed on site under the Florida Manufactured Buildings Act of 1979 (Ch. 553, Part IV, F.S.). This definition does not include mobile homes.

Site owner means, when used in connection with sludge or septage, a person owning, operating or managing a site upon which sludge or septage disposal or land spreading operations are conducted.

Site permit--See section 13-171.

Sludge means solids, residuals, or any by product from any type of sewage treatment plant, either private or public, and septage from public or private septic tanks, which contains human feces or residuals of such, whether stabilized or disinfected or in any form, whether solid, liquid or gaseous.

Small quantity generator--See Part 261, Title 40, C.F.R. and Ch. 62-731.020 F.A.C.

Solid waste includes garbage, refuse, yard trash, clean debris, white goods, special waste, ashes, sludge, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, institutional or governmental operations, as defined in Chapter 403 F.S., as amended.

Special events means, but is not limited to, circuses, fairs, carnivals, festivals or other types of special events that:

- (1) Are intended to or likely to attract substantial crowds, and
- (2) Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Specified anatomical areas mean and include:

- (1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Stable, public means a stable, other than a private stable, used for the care of horses, ponies, or other livestock to be used for instruction, recreation or boarding such animals.

Staging area shall mean an area on land utilized by businesses, contractors and others for the storage, parking, and re-supplying of operable commercial motor vehicles not to exceed one and one-half (1 1/2) tons in size, and/or cargo vans and utility trailers; for the parking of employee motor vehicles; and for the gathering of employees of such businesses and contractors at the beginning and end of the work day, provided, however, no maintenance of any of said vehicles, vans or trailers shall be allowed. This shall not include semi tractor-trailers or other similar type cargo containers.

Start of construction means the first placement of permanent construction, repair, reconstruction, or improvement of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles or piers, construction of columns, or any work beyond the stage of excavation, or ninety (90) days after the permit date, whichever occurs first. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Stationary facility, when used in connection with hazardous or biohazardous waste or petroleum contaminated soil means a facility which stores, treats or disposes of biohazardous or hazardous waste, or petroleum contaminated soil, transported to the facility.

Street or Road means any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court terrace, place or cul-de-sac and

includes all of the land lying between the right-of-way lines as delineated on a plat or right-of-way map showing such streets, whether improved or unimproved. Does not include those access ways such as easements and right-of-way intended solely for limited utility purposes such as electric, gas, telephone, water, drainage and sewer lines or easements for ingress/egress.

(1) *Arterial street*--See section 13-522.

(2) *Collector street*--See section 13-522.

(3) *Cul-de-sac street* means a dead-end street that terminates in a vehicular turnaround.

(4) *Dead-end street* means a road or street, or portion thereof, with only one (1) vehicular-traffic outlet.

(5) *Local street*--See section 13-522.

(6) *Marginal access street* means a street that is parallel to and adjacent or near to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and designed so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Structural alteration means any change, except for repair or superficial work, in the supporting members of a building, such as load-bearing walls, partitions, columns, beams or girders.

Structure means anything constructed or erected on land or attached thereto. Structures include, but are not necessarily limited to, a walled and roofed building, a manufactured home, a gas or liquid storage tank, a sign or other manmade facilities or infrastructures.

Structure, accessory means a minor building or other structure that is located on the same parcel as a principal building and that is used incidentally to a principal building, or that houses an accessory use--See section 13-364.

Subdivision means:

(1) The process, act or land resulting from dividing, separating or splitting a parcel, lot or tract of land into two (2) or more parcels, lots, tracts, building sites or other divisions for the purpose of transfer of ownership, building or other development (whether immediate or future); or

(2) Any division of land involving the dedication of a new street or a change in existing streets, or the provision of other public facilities or improvements, whether

publicly or privately owned, including, but not limited to, drainage facilities and utilities;
or

(3) Any resubdivision of an existing subdivision, whether recorded or unrecorded; or

(4) The development process of mobile home parks and recreational vehicle parks which involves the division of any parcel of land into two (2) or more lots, for the purpose of rental, lease or time sharing or membership arrangements.

Substantial development means any minor, medium or major development, as defined in section 13-103.

Substantial improvement of a structure means any combinations of repairs, reconstruction, alteration, or improvements to a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Surficial aquifer means the permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly indurated clastic deposits.

Surveyor means a person qualified, registered and currently licensed by the State of Florida to practice land surveying.

Tailings means, when related to mining and excavation, waste products of beneficiation operations that may consist of solid particles including clay and sand fines, including colloidal or waste clays.

Temporary maintenance agreement means a written document furnished to the commission under which the applicant agrees to accept responsibility for any repairs or corrections needed by required physical improvements for a period of two (2) years, as specified in section 13-174.

Tent or tent camper means a portable shelter usually fabricated of canvas or other water-repellent and fire resistant material.

Terminal means any location where freight either originates, terminates, or is handled in the transportation business or where any trucking business originates (starts up

for the day with arrival of drivers), terminates (ends day for clean out, parking and storage), or maintains operating and maintenance facilities.

Topsoil means the organic or inorganic matter naturally present on the surface of the earth which has been subject to and influenced by environmental factors of parent material, climate, macro-organisms, microorganisms, and topography, and that is sometimes necessary for the growth and regeneration of vegetation of the surface.

Tower, communication means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antenna, including monopole (free standing), lattice (self-supporting) and guyed (anchored with guy wires or cables) towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Tower height, communication means the vertical distance from ground level at the tower base to the highest point of the tower structure.

Town center means a mixed-use area within a community that is designed to optimize pedestrian activity. Town centers are characterized by having many of the following characteristics; a mix of retail, office, entertainment, institutional and sometimes residential uses; on-street parking and shared parking with parking lots often in the interior of blocks or to the rear of buildings; buildings directly abutting the sidewalk and often each other; building overhangs that extend over the sidewalk, and typically have some two or three story buildings. Town centers must be developed under RPUD zoning.

Tract means a parcel of land whose boundaries have been established by a recorded or unrecorded plat or map accepted by the commission and recognized as a separate legal entity for purpose of transfer of title.

Transfer station/facility, when used in connection with hazardous waste, means a site the primary purpose of which is to store or hold hazardous waste generated off-site for transport to a processing or disposal facility.

Traveled way means the portion of the roadway for the movement of vehicles exclusive of shoulders.

Truck means any motor vehicle designed, used or maintained primarily for the transportation of property or freight including, but not limited to, truck-tractors, truck-tractor semitrailer combinations, dump trucks, stake-bed trucks, flatbed trucks, commercial vans and pick up trucks of over one-ton capacity.

Turning roadway means a connecting roadway for traffic turning between two intersection legs.

Urban Expansion Area (UEA) means that area so designated on the Future Land Use Map of the Sumter County Comprehensive Plan.

Use means the activity or function that occurs or is intended to occur on a parcel, lot or tract.

Usable land area means the developable area of land that lies outside of the following:

- (1) Easements, recorded and unrecorded, for ingress/egress, drainage, utilities, etc.
- (2) All wetlands subject to mitigation and surface waters under state jurisdiction.
- (3) Mean seasonal high water level.
- (4) When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing usable lot area shall be the street right-of-way line; or if the right-of-way line cannot be determined, a line running parallel to and twenty-five (25) feet from the center of the traveled portion of the street.
- (5) In a residential zone, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing usable lot area shall be the inside boundary of the traveled portion of that road.

Utility facilities means any above-ground structure or facility whose principal use is in connection with the production, generation, transmission, distribution, delivery, collection or storage of water, sewer, electricity, gas, oil or electronic signals.

- (1) *Community or regional utility facilities* means all utility facilities other than neighborhood facilities.
- (2) *Neighborhood utility facilities* means all utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood that such facilities serve or propose to serve.

Variance means a grant of permission or relief that authorizes the recipient, where specific enforcement of this chapter would result in unnecessary hardship, to do that which, according to the strict letter of this chapter, he/she could not otherwise legally do.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a travelway, excepting devices used exclusively upon stationary rails or tracks.

Vehicle accommodation area means that portion of a parcel that is used by

vehicles for access, circulation, parking, loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

Water recirculation facilities means, when related to mining and excavation, those structures used for storing, routing, and treating of mine and process waters; including, but not limited to, reservoirs, clay settling areas, canals, ditches, and their associated dams and dikes.

Waters of the county means, for the purpose of this chapter, all waters located in Sumter County, both ground and surface.

Waters of the state means those waters identified in Chapter 403.031(12), Florida Statutes. Such waters include, but are not limited to, rivers, lakes, streams, springs, impoundment's, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one (1) person, other than the state, are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural.

Wetlands mean the most landward extent of the following:

- (1) Areas within the dredge and fill jurisdiction of the FDEP as authorized by Chapter 403, F.S.
- (2) Areas within the jurisdiction of the ACOE as authorized by Section 404, Clean Water Act, or Section 10, River and Harbor Act.
- (3) Areas within the jurisdiction of the SWFWMD pursuant to Section 40D-4 and 40D-40, F.A.C.

Wholesale sales means on-premises sales of goods primarily to customers engaged in the business of reselling, as opposed to consumers.

Wide curb lane means a portion of the roadway which can be used by bicycles and motorized traffic, characterized by a curb lane which is of such width that bicycle and motorized traffic can be accommodated in the same lane. This lane should always be the through lane closest to the curb (when a curb is provided) or the shoulder edge of the road when a curb is not provided.

Zoning and Adjustment Board--See section 13-203.

Zoning district means one (1) or more contiguous parcels of land with the same land use zone designation.
(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 97-5, § 3, 2-25-97; Ord. No. 97-9, § 3, 4-22-97; Ord. No. 2000-1, § 1, 2-29-00; Ord. No. 2000-16, § 1, 6-13-00; Ord. No. 2000-19, § 1, 7-

25-00; Ord. No. 2001-1, § 2, 1-16-01; Ord. No. 2002-14, §§ 1, 2, 6-11-02; Ord. No. 2003-1, 1-14-03; Ord. No. 2003-2, § 1, 2-25-03; Ord. No. 2005-9, §§ 2, 3, 4-12-05)

Sec. 13-42. Rules of interpretation.

(a) *Interpretation and application.*

(1) *Minimum requirements.* The provisions of this chapter shall be construed to be the minimum required by the commission. In the interpretation and application of this chapter, all provisions shall be liberally construed in favor of the objectives and purposes of the commission and deemed neither to limit nor repeal any other powers granted under state statute.

(2) *Comprehensive plan.* The language and provisions of this chapter and the comprehensive plan shall be construed in pari materia with F.S. Ch. 163.3161 et. seq. and Chapter 9J-5 F.A.C. Definitions provided in F.S. Ch. 163.3161 et. seq. as they apply to the interpretation of this chapter are incorporated herein by reference as the same may from time to time be amended.

(3) The sanctity of and the necessity of preserving private property rights shall be recognized by Sumter County and its staff and review boards.

(b) *Responsibility for interpretation.* In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this chapter, the director shall be responsible for interpretation and shall look to the comprehensive plan and to section 13-12 for guidance. Responsibility for interpretation by the director shall be limited to standards, regulations and requirements of this chapter, but shall not be construed to include interpretation of any technical codes adopted by reference in this chapter, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this chapter.

(c) *Computation of time.*

(1) Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded.

(2) Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by regular mail, the period shall commence three days after the notice or paper is mailed. When the notice or paper is served by certified mail, the time period shall commence upon receipt, or five (5) days after mailing, whichever occurs first.

(3) Failure to strictly comply with the time rules set forth in the LDR shall not constitute grounds for challenge by any person of any action by Sumter County, its staff or review boards. Staff, review boards and the commission shall liberally grant continuances upon good faith requests where a time period set forth in the LDR is not complied with. Provided, however, this clause shall not change the time limit for appealing any decision of any authority as set forth in section 13-236 of this code.

(d) *Delegation of authority.* Whenever a provision appears requiring the head of a department or some other county officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

(e) *Grammar.*

(1) When not inconsistent with the context, words importing the masculine gender shall be construed to include the feminine and neuter.

(2) When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural.

(3) The words "shall" and "will" are always mandatory and not merely directory. When certain requirements are described with the "shall" or "will" stipulation, it is mandatory that these requirements be met.

(4) The word "should" is an advisory condition. Where the word "should" is used, it is considered to be advisable usage, recommended but not mandatory.

(5) The word "may" is a permissive condition. Where the word "may" is used, it is considered to denote permissive usage.

(6) The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

(7) The word "year" shall mean a calendar year, unless otherwise indicated. The word "day" shall mean a calendar day, unless a weekday is indicated.

(f) *Boundaries.* Interpretations regarding boundaries of land use classifications and land use zones shall be made in accordance with the following:

(1) Boundaries indicated as following or approximately following the centerlines of streets, highways, streams or railroads shall be construed to follow such centerlines.

(2) Boundaries indicated as following or approximately following lot lines, other

property lines, city limits or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.

(3) Boundaries shown as following or approximately following section lines, quarter-section lines or quarter-quarter section lines shall be construed as following such lines.

(4) Boundaries indicated as following or approximately following natural features, such as shorelines, shall be construed as following such features, and in the event of change in the natural feature, shall be construed to follow such change.

(5) Where a land use classification on the Future Land Use Map divides a lot or parcel, the boundaries of each land use on the zoning map shall be determined by measurement, using the scales of the Future Land Use Map and zoning map.

(6) Where any street or other transportation corridor is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or corridor added thereto by virtue of such vacation or abandonment.

(7) In the absence of specific data, interpretations of the location of flood zone and floodway boundaries shall be made by measurement, using the scales of the Flood Insurance Rate Maps.

(g) *Relationship of specific to general provisions.* More specific provisions of this chapter shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

(h) *Measurement of distances between uses.* Where this chapter requires that one (1) use be separated from another use, measurements shall be made in accordance with this section. For a use which is the only use or the principal use of a lot or parcel, the measurement shall be made from the property line of the lot or parcel which is nearest to the use to which the measurement is being made. If the use is located in a multi-tenant building, then the distance shall be measured from the line of the leasehold or other space actually controlled or occupied by such use which is nearest to the use to which the measurement is being made.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2000-12, §§ 3, 4, 4-25-00; Ord. No. 2005-9, § 4, 4-12-05)

Secs. 13-43--13-50. Reserved.

DIVISION 6.

PROHIBITIONS

Sec. 13-51. No use or sale of land or buildings, or construction, except in conformity with this chapter.

(a) *Prohibitions.*

(1) *Transfer of property.* It shall be unlawful for anyone being the owner, or agent, of any land proposed for subdivision as defined herein, to transfer, sell, or lease, or agree, in writing binding the parties, to transfer, sell, or lease, any part of such land until such subdivision, if required herein, has been submitted, approved and recorded in conformance with this chapter. This shall not prohibit the transfer, sale or lease of the entire subdivided land as one parcel. Prior to the recording of a subdivision plat, it shall be unlawful to represent or to transfer, sell or lease land by reference to, exhibit of, or other use of a plat showing the proposed subdivision unless said plat contains, in bold, legible letters, 1/4" high, the following: **THIS SUBDIVISION HAS NOT RECEIVED FINAL APPROVAL BY SUMTER COUNTY.**

(2) *Construction.*

a. No person shall locate, erect, construct, enlarge, extend, structurally alter, repair, move, improve, remove, convert or demolish any building or structure within the jurisdiction of this chapter, or cause the same to be done, without full compliance with the terms of this chapter and other applicable regulations.

b. No mobile home shall be moved onto any parcel in the unincorporated area of the county, unless and until a building permit for such move has been obtained.

(3) *Use or occupancy.* Subject to Article VI (Nonconforming Situations) of this chapter, no person may use or occupy any land or buildings or authorize or permit the use or occupancy of land or buildings under his control except in accordance with all of the applicable provisions of this chapter. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land. In relation to use or occupancy, the following is expressly prohibited:

a. No occupancy of any building subject to the requirements of this chapter is permitted until a temporary or regular certificate of occupancy has been issued for such building.

b. No electrical power shall be supplied to any building, structure or mobile home, constructed on or moved to any land in the unincorporated area of the county, unless and until a final inspection has been made and electrical power approved for such installation by the department, except for temporary power for construction purposes authorized and inspected by the department.

(4) *Occupational license.* No occupational or other license permitting use of a parcel or structure shall be issued except when such use is in conformance with the requirements of this chapter.

(b) *Code violations and penalties.*

(1) Pursuant to Ch. 125.69 F.S., any person, firm or corporation, or anyone acting on behalf of any person, firm or corporation, or other legal entity, who shall violate or fail to comply with any of the provisions of this chapter, or amendments thereto, or of conditions and safeguards established in connection with grants of a variance or special or conditional use, shall be guilty of an offense, and upon conviction thereof, may be fined not more than five-hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days for each offense, or by both such fine and imprisonment, for each offense. Each day, after the first seven (7) days that are in violation of this chapter, that such violation continues or is permitted to exist without correction shall constitute a separate offense, and the violator may be punished as set forth in this section.

(2) In addition to the criminal penalties provided in subsection (1), the commission, or any person affected by any violation of any of the terms or provisions of this chapter, may institute legal proceedings in law and/or equity for damages or injunctive relief. If the person, including the commission, bringing such action shall be successful in such court action, such person shall be entitled to recover against the violating party all costs and expenses, including a reasonable attorney's fee, incurred in the bringing of such court action, in addition to any damages. This provision does not apply to an appeal of any final decision of the staff, any reviewing board or the commission as provided for in section 13-236.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2000-12, § 5, 4-25-00)

Secs. 13-52--13-60. Reserved.

DIVISION 7.

RESERVED

Secs. 13-61--13-75. Reserved.

DIVISION 8.

ABROGATION AND SEVERABILITY

Sec. 13-76. Abrogation.

This chapter is not intended to annul, interfere with, repeal, abrogate or impair any lawful easements, covenants, deed restrictions or other agreements between parties. However, where this chapter imposes a greater or more stringent restriction upon the use of land or structures than required by those documents, the provisions of this chapter shall control and prevail.

(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-77. Severability.

It is hereby declared to be the intention of the commission that the sections, subsections, paragraphs, sentences, clauses, and phrases of this chapter are severable, and if any such section, subsection, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, or phrases of this chapter since the same would have been enacted without the incorporation of such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase. (Ord. No. 96-23, § 9, 12-16-96)

Secs. 13-78--13-90. Reserved.

DIVISION 9.

RESERVED

Secs. 13-91--13-100. Reserved.